

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ AUG 26 2005
BROOKLYN OFFICE

MISTER SOFTEE INC.
901 E. Clements Bridge Road
Rummenede, NJ 08078

Plaintiff,

v.

KOOL KAT TREATS, LLC d/b/a MR. FROSTEE
590 Pine Aire Drive
Bayshore, NY 11706

KOOL KAT ICE CREAM VENDING, INC.
d/b/a MR. FROSTEE
590 Pine Aire Drive
Bayshore, NY 11706

WILLIAM CANADA d/b/a MR. FROSTEE
590 Pine Aire Drive
Bayshore, NY 11706

HUSEYIN A. YUCE d/b/a Mr. Frosty
2A Denton Pl., 2nd Floor
Farmingdale, NY 11735

GUS TOUFOS
21-29 25 Road, 1st Floor
Astoria, NY 11102

SEROB NAZARETYAN
40-39 48 St. D1
Sunnyside, NY 11104

STAVROS SERGIADIS
34-37 11TH Street
Long Island City, NY 11106

JOHN LUKE, INC.
26 20 23rd Avenue
Astoria, NY 11105

EDWARD ETHAN, INC.
34-37 11th Street
Long Island City, NY 11106

CV 05 41 11

CIVIL ACTION NO.

WEINSTEIN, J.

BOYLE, M.J.

JUAN MALDONADO
47 Cherry St.
Central Islip, NY 11722

DAIRY LINE CORPORATION
25 56 31st Street
Astoria, NY 11102

MR. ICE CREAM SOFT, INC.
126-30 37th Avenue
Corona, NY 11368

MARCOS A. NEIRA
111-50 Corona Avenue
Corona, NY 11368

S. KONSTANTAKAKOS
40 Berry Hill Lane
Bethpage, NY 11714

TEOTIMO A. CABRAL
157 Barbey Street, 2nd Floor
Brooklyn, NY 11207

MANUEL J. UZHCA
81-14 34th Avenue, Apt. 33
Jackson Heights, NY 11372

PIEDAD M. AVEVALO
47-17 104th Street, 2nd Floor
Corona, NY 11368

R. ADAMES-DEVARGAS
384 Keap Street, Apt. 22
Brooklyn, NY 11211

NAPO ZHIRZHAN
706 Pt. Washington Road
Pt. Washington, NY 11050

ADVANCED AT INC.
140 Applehill Road
Hurley, NY 12443

CIVIL ACTION - COMPLAINT

THE PARTIES

1. Plaintiff Mister Softee, Inc. ("Mister Softee") is a New Jersey corporation with an address at 901 E. Clements Bridge Road, Runnemede, New Jersey 08078. Mister Softee owns the trademark "Mister Softee" and the trade dress comprising the distinctive look of the Mister Softee mobile soft ice cream truck. Mister Softee has been using its trademarks and trade dress since 1956, and has devoted a substantial amount of time and money developing, advertising and promoting its trademarks and trade dress. Mister Softee brings this action against various individuals and entities which are using Mister Softee's federally registered trademarks, trade dress, and proprietary business system without Mister Softee's authorization. Defendants are infringing Mister Softee's federally registered trademarks and trade dress and are unfairly competing with Mister Softee's licensees, all of whom paid and continue to pay royalty fees for the right to use Mister Softee's federally registered trademarks, trade dress and proprietary business system. Mister Softee brings this action to protect the goodwill associated with its trademarks and trade dress, and also brings this action to protect its licensee who are being harmed as a result of the defendants' unauthorized use of Mister Softee's trademarks and trade dress. Finally, because the defendants are not affiliated with Mister Softee, Mister Softee has no ability to ensure that defendants are storing and dispensing their ice cream and other food products in compliance with applicable health standards and laws. It is for these reasons that Mister Softee has commenced this action against these defendants.

2. Defendants are individuals who operate mobile soft ice cream trucks using trade names and trade dress that are confusingly similar to the trademarks and trade dress

used by Mister Softee. As a result, Mister Softee commences this action against the defendants for injunctive relief and monetary damages due to the defendants' unauthorized use and infringement of Mister Softee's trademarks and trade dress. Pictures showing an authentic Mister Softee truck are attached hereto as Exhibit "A". Pictures of defendants' trucks are attached hereto as group Exhibit "B".

3. Defendant Kool Kat Treats, LLC ("Kool Kat Treats") is a New York limited liability company with an address at 590 Pine Aire Drive, Bayshore, NY 11706.

4. Defendant Kool Kat Ice Cream Vending, Inc. ("Kool Kat Ice") is a New York corporation with an address at 590 Pine Aire Drive, Bayshore, NY 11706.

5. Defendant William Canada ("Canada") is an individual with an address at 590 Pine Aire Drive, Bayshore, NY 11706. Upon information and belief, Canada is the CEO of Kool Kat Treats and Kool Kat Ice.

6. Huseyin A. Yuce d/b/a Mr. Frosty is an individual with an address at 2A Denton Place, 2nd Floor, Farmingdale, NY 11735.

7. Defendant Gus Toufos ("Toufos") is an individual with an address at 21-29 25 Road, 1st Floor, Astoria, NY 11102.

8. Defendant Scrob Nazaretyan ("Nazaretyan") is an individual with an address at 40-39 48 Street Unit D1, Sunnyside, NY 11104.

9. Defendant Stavros Sergiadis ("Sergiadis") is an individual with an address at 34-37 11th Street, Long Island City, NY 11106.

10. Defendant John Luke, Inc. ("John Luke") is a New York corporation with an address at 26 20 23rd Avenue, Astoria, NY 11105.

11. Edward Ethan, Inc. ("Edward Ethan") is a New York corporation with an address at 34-37 11th Street, Long Island City, NY 11106.

12. Juan Maldonado ("Maldonado") is an individual with an address at 47 Cherry Street, Central Islip, NY 11722.

13. Defendant Dairy Linc Corporation ("Dairy Linc") is a New York corporation with an address at 25 56 31st Street, Astoria, NY 11102.

14. Defendant Mr. Ice Cream Soft, Inc. ("Mr. Ice Cream Soft") is a corporation with an address at 126-30 37th Avenue, Corona, NY 11368.

15. Defendant Marcos Neira ("Neira") is an individual with an address at 111-50 Corona Avenue, Corona, NY 11368. Upon information and belief, Neira is the owner and manager of Mr. Ice Cream Soft.

16. Defendant S. Konstantakakos ("Konstantakakos") is an individual with an address at 40 Berry Hill Lane, Bethpage, NY 11714.

17. Teotimo A. Cabral ("Cabral") is an individual with an address at 157 Barbey Street, 2nd Floor, Brooklyn, NY 11207.

18. Manuel J. Uzhca ("Uzhca") is an individual with an address at 81-14 34th Avenue, Apt. 33, Jackson Heights, NY 11372.

19. Piedad M. Avevalo ("Avevalo") is an individual with an address at 81-14 34th Avenue, Apt. 33, Jackson Heights, NY 11372.

20. R. Adames-Devargas ("Adames-Devargas") is an individual with an address at 384 Keap Street, Apt. 22, Brooklyn, NY 11211.

21. Napo Zhirzhan ("Zhirzhan") is an individual with an address at 706 Pt. Washington Road, Pt. Washington, NY 11050.

22. Advanced At, Inc. ("Advanced") is a New York corporation with an address at 140 Applehill Road, Hurley, NY 12433.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338 in that Mister Softee's claims against each defendant are based upon trademark and trade dress infringement under the Lanham Act, 15 U.S.C. §1051 *et seq.*

24. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) in that all defendants (except defendant Advanced) reside in this judicial district and 28 U.S.C. §1391(b)(2) in that a substantial part of the events or omissions giving rise to the claims asserted in this Complaint occurred in this judicial district. All defendants operate their ice cream trucks from various "depots" located in Kings, Queens and Nassau Counties, NY.

THE MISTER SOFTEE SYSTEM

25. Mister Softee is a family owned business which has been in operation since 1956. Mister Softee through its affiliate, is the franchisor of Mister Softee mobile ice cream truck businesses which sell soft-serve ice cream, hard ice cream, frozen desserts, novelties, stick items and other products.

26. Mister Softee franchisees are licensed to use Mister Softee's trade names, service marks and trademarks and to operate under the Mister Softee business system, using specially designed mobile trucks with special equipment, equipment layouts, interior and exterior accessories, menu displays, identification schemes, products, management programs, standards, specifications, proprietary marks and information.

27. Mister Softee owns the trademarks "Mister Softee" and related logos which are registered on the Principal Register of the United States Patent and Trademark Office at

Registration Nos. 2128918, 0667335 and 0663456. Mister Softee owns the trademark for the "Mister Softee Jingle" which consists of the musical jingle played by Mister Softee trucks at Registration No. 2218017. Additionally, Mister Softee owns a federal trademark registration for the overall design of the Mister Softee ice cream truck, registered on the Principal Register of the United States Patent and Trademark Office at No. 2906357.

28. Mister Softee also created and uses the marks "Tu-Tone Cone," "Twinkletop Conehead," "Cherry Top Conehead," "Chocolate Top Conehead" and "Devil's Delight Conehead." The term "Conehead" refers to Mister Softee's cartoon logo of an ice cream cone with a smiling face and bow tie. Only authorized licensees are permitted to use Mister Softee's federally registered trademarks, trade dress and proprietary business system.

29. Mister Softee and its franchisees have continuously used and advertised Mister Softee's trademarks, trade names, trade dress and musical jingle throughout the region. Mister Softee's trademarks, trade names, trade dress and musical jingle distinguish its business and its franchises from similar businesses and are widely known and recognized by consumers. Mister Softee first began using its marks and trade dress in 1956 and first registered the above marks in 1958. The Mister Softee musical jingle was composed in 1960.

30. Mister Softee trucks solicit business by traveling through various neighborhoods and playing the Mister Softee musical jingle. Mister Softee's customer base predominately comprises young children and their parents.

31. Mister Softee trucks are inherently distinctive in appearance. The design and appearance of Mister Softee trucks are arbitrary and nonfunctional. Mister Softee trucks are white with a blue trim which borders the bottom of each truck. The wheels on Mister Softee

trucks are also blue. Mister Softee's Conehead is predominately displayed on the sides and back of each Mister Softee truck. Each side of a Mister Softee truck contains a sliding glass window used to service customers. A menu display in each window titled "Mister Softee Treats" in red, cursive print, advertises various ice cream products and their prices. The display windows also contain designed advertisements printed on plastic for specialty products including, but not limited to, "Devil's Delight Conehead," "Cherry Top Conehead," "Chocolate Top Conehead," "Twinkletop Conehead," "Banana Boat," "Strawberry Sundae," "Hawaiian Pineapple Sundae," "Chocolate Nut Sundae," "Cherry Sundae," "Chocolate Sundae," "Tu-Tone Cone" and "Cart Wheel." The name "Mister Softee" is printed on these advertisements. Each truck is also equipped with a music box and loudspeaker through which the Mister Softee musical jingle is played to attract customers.

32. Mister Softee trucks have distinctive lettering and wording on the sides and back of their trucks. Along the bottom side of the trucks above the blue trim, in big blue block letters with green frosting, are the words "Shakes Sundaes Cones." On the back of each Mister Softee truck, there is wording in red block letters that reads "Watch For Our Children SLOW!" and there are pictures of a boy and girl wearing their seatbelts.

33. Each of these elements make an authentic Mister Softee truck unique and distinctly identifiable to the consuming public as a Mister Softee mobile ice cream business.

THE INFRINGERS

34. Defendants Kool Kat Treats, Kool Kat Ice and Canada conduct a business selling soft-serve ice cream and similar products through the use of a mobile truck. Defendants truck (NY PL # 18260-JT) is white with blue trim which borders the bottom of the truck. The name "Mister Frostee" appears in blue cursive lettering on three sides of the

truck. The words "Very Best" appear on the hood in red cursive letters. On the truck's sides appears the words "Cones", "Sundaes" and "Shakes" in large red letters above the blue trim. The rear of the truck states "Watch For Our Children" in red block letters.

35. Defendant Yuce conducts a business selling soft-serve ice cream and similar products through the use of a mobile truck under the name "Mr. Frosty". Defendant Yuce's truck (NY PL # 80984JN) is white with blue trim which borders the bottom of the truck. On the truck's sides appear the words "Cones", "Sundaes" and "Shakes". The name "Mr. Frosty" appears on the front and sides of the truck in red lettering.

36. Defendant Toufos conducts a business selling soft-serve ice cream and similar products through the use of mobile trucks.

a. Defendant Toufos' truck #1 (NY PL # 84356 JN) is white with blue trim which borders the bottom of the truck. The trucks wheel rims are also painted blue. The truck displays Mister Softee created decals, including an advertisement depicting a large red sundae, under which the word "Sundaes" appears in red letters next to the sliding glass service window. In addition, the sliding glass service window on the truck's side displays a Mister Softee designed menu board. On the truck's sides appears the word "Cones", "Sundaes" and "Shakes" in blue and white, block capital letters above the blue trim.

b. Defendant Toufos' truck #2 (NY PL # 84355 JN) is white with blue trim which borders the bottom of the truck. The trucks wheel rims are also painted blue. Similar to a Mister Softee truck, next to the truck's sliding glass service window is an advertisement depicting a large red sundae, under which the word "Sundaes" appears in red letters. The sliding glass service window on the truck's side displays a Mister Softee designed menu

board. On the truck's sides appears the word "Cones", "Sundaes" and "Shakes" in blue and white, block capital letters above the blue trim.

c. Defendant Toufos' truck #3 (NY PL # 85341JN) is white with blue trim which borders the bottom of the truck. The rear of the truck states "Caution! Watch for Our Children" in red block lettering.

37. Defendant Nazaretyan conducts a business selling soft-serve ice cream and similar products through the use of a mobile truck. Defendant Nazaretyan's truck (NY PL # 87876JT) is white with blue trim which borders the bottom of the truck. Similar to a Mister Softee truck, next to the truck's sliding glass service window is an advertisement depicting a large red sundae, under which the word "Sundaes" appears in red letters. Also, next to the service window is a Mister Softee designed "Conehead" decal. The sliding glass service window on the truck's side displays a Mister Softee designed menu board. On the truck's sides appears the word "Cones", "Sundaes" and "Shakes" in blue, block capital letters above the blue trim. The back of the truck reads "SLOW! Watch For Our Children" in red block capital letters.

38. Defendant Sergiadis conducts a business selling soft-serve ice cream and similar products through the use of mobile trucks. Defendant Sergiadis' truck (NY PL # 12277JU) is white with blue trim which borders the bottom of the truck. The sliding glass service window on the truck's side displays a Mister Softee designed menu board and advertisements.

39. Defendant John Luke conducts a business selling soft-serve ice cream and similar products through the use of a mobile truck. Defendant Luke's truck (NY PL #

12282JU) is white with blue trim which borders the bottom of the truck. The truck's sliding glass service window displays Mister Softee advertisements.

40. Defendant Edward Ethan conducts a business selling soft-serve ice cream and similar products through the use of a mobile truck. Edward Ethan's truck (NY PL # 84306JN) is white with blue trim which borders the bottom of the truck. The truck's menu board is a copied from a Mister Softee menu board. In addition, the truck's service window displays Mister Softee designed advertisements.

41. Defendant Maldonado conducts a business selling soft-serve ice cream and similar products through the use of a mobile truck. Defendant Maldonado's truck (NY PL # 18004JT) is white with blue trim which borders the bottom of the truck. On the hood of the truck, the back, and on at least one side appears the name: "Mr. Soft Ice Cream" in red cursive writing. Also, the truck's hood reads "The Best" in red cursive writing. Similar to a Mister Softee truck, next to the truck's sliding glass service window is an advertisement depicting a large red sundae, under which the word "Sundaes" appears in red letters. On the truck's sides appears the word "Cones", "Sundaes" and "Shakes" in blue and red, block capital letters above the blue trim. The back of the truck reads "Caution. Slowdown Watch out For Our Children" in red letters.

42. Defendant Dairy Line conducts a business selling soft-serve ice cream and similar products through the use of mobile trucks.

a. Defendant Dairy Line's truck #1 (NY PL # 12532JU) is white with blue trim which borders the bottom of the truck. The truck displays Mister Softee created decals, including a red sundae next to the sliding glass service window. The sliding glass

service window also displays a Mister Softee designed menu board which reads "Softee Treats".

b. Defendant Dairy Line's truck #2 (NY PL # 84730JN) is white with blue trim which borders the bottom of the truck. The truck's wheel rims are also painted blue. The truck displays Mister Softee designed decals, including a red sundae next to the sliding glass service window. In addition, the service window displays a Mister Softee designed menu board which reads "Softee Treats".

c. Defendant Dairy Line's truck #3 (NY PL # 84729 JN) is white with blue trim which borders the bottom of the truck. The truck's wheel rims are also painted blue. The truck displays Mister Softee designed decals, including a red sundae next to the sliding glass service window. In addition, the service window displays a Mister Softee designed menu board which reads "Softee Treats".

43. Defendants Mr. Ice Cream Soft and Neira conduct a business selling soft-serve ice cream and similar products through the use of mobile trucks. Upon information and belief, Mr. Ice Cream Soft's trucks are white with blue trim which borders the bottom of the truck. Mr. Ice Cream Soft's trucks display Mister Softee designed advertisements and menu boards. On the trucks' sides appears the word "Cones", "Sundaes" and "Shakes". A true and correct copy of Mr. Ice Cream Soft's business card is attached as Exhibit "C".

44. Defendant Konstantakakos conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Konstantakakos' truck (NY PL # 52562JT) is white with blue trim which borders the bottom of the truck. The truck displays Mister Softee created decals, including a red sundae next to the sliding glass service window.

45. Defendant Cabral conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Cabral's truck (NY PL # 56260JT) is white with blue trim which borders the bottom of the truck. The truck's wheel rims are also painted blue. In addition, the truck displays Mister Softee created advertisements, decals, including a red sundae next to the trucks sliding glass service window and a milkshake on the truck's passenger side door. The truck's service window also displays a Mister Softee menu board.

46. Defendant Uzhca conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Uzhca's truck (NY PL # 52687JT) is white with a blue trim which borders the bottom of the truck. The truck's wheel rims are also painted blue. In addition, the truck displays Mister Softee created advertisements on its sliding glass service window. On the trucks' sides appears the word "Cones", "Sundaes" and "Shakes".

47. Defendant Arevalo conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Arevalo's truck (NY PL # 54142JT) is white with blue trim which borders the bottom of the truck. In addition, the truck displays decals and advertisements made to resemble those advertisements used on authentic Mister Softee trucks, including Mister Softee's "Conehead" decal.

48. Defendant Adames-Devargas conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Adames-Devargas' truck (NY PL # 12249JU) is white with blue trim which borders the bottom of the truck. The truck displays Mister Softee created advertisements, decals, including a red sundae next to the trucks sliding glass service window and a milkshake on the next to the truck's driver side door.

49. Defendant Zhirzhan conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Zhirzhan's truck (NY PL # 12417JU) is

white with blue trim which borders the bottom of the truck. In addition, the truck displays advertisements made to resemble those advertisements used on authentic Mister Softee trucks.

50. Defendant Advanced conducts a business selling soft serve ice cream and similar products through the use of a mobile truck. Advanced's truck (NY PL # 84910JN) is white with blue trim which borders the bottom of the truck. The truck's wheel rims are also painted blue. On the trucks' sides appear the word "Cones", "Sundaes" and "Shakes". In addition, the truck displays Mister Softee designed advertisements and menu board.

COUNT I

Trademark Infringement and Unfair Competition

51. Mister Softee incorporates the averments contained in paragraphs 1 through 50 as if fully set forth in this paragraph.

52. Defendants have utilized and benefited from Mister Softee's trademarks, trade names and trade dress in the operation of their mobile ice cream truck businesses without Mister Softee's permission and with the knowledge that Mister Softee has not consented to their use of Mister Softee's trademarks, trade names and trade dress.

53. Defendants willfully intended to trade on Mister Softee's reputation and cause dilution of its trademarks.

54. Defendants are guilty of trademark infringement pursuant to the Lanham Act, 15 U.S.C. §1051, *et seq.* Defendants' use of Mister Softee's marks constitutes a false designation of origin and is likely to cause confusion, mistake or deception as to their being affiliated, connected or associated with Mister Softee in violation of 15 U.S.C. §1125(a).

Defendants' conduct is also a violation of the common law of unfair competition and is an unfair trade practice under the common law.

55. Defendants' continued operation of their mobile ice cream trucks also causes dilution of Mister Softee's famous marks in violation of 15 U.S.C. §1125(c).

56. Defendants' continued operation as set forth above has caused and will cause Mister Softee irreparable injury in that Mister Softee will have difficulty franchising defendants' trading areas; business will be diverted from Mister Softee's trademarks; Mister Softee's trade names and business system will be diluted and taken from Mister Softee's control; and Mister Softee will lose profits and revenues which, because of Defendants' conduct, cannot be readily calculated. Additionally, because defendants are not affiliated with Mister Softee, Mister Softee has no ability to ensure that defendants are storing and dispensing their ice cream products in compliance with applicable health standards and laws.

57. Mister Softee has no adequate remedy at law because it cannot be adequately compensated for the deprivation and dilution of the consumer recognition and goodwill built up under the Mister Softee trademarks, trade dress, trade names and business system as a result of defendants' conduct.

58. Mister Softee's immediate and irreparable harm will continue unless defendants are enjoined from continuing to use Mister Softee's trademarks, trade dress and trade names.

WHEREFORE, plaintiff Mister Softee, Inc. demands judgment in its favor and against the defendants as follows:

i. A preliminary and permanent injunction enjoining the defendants and their agents, employees and any person acting in concert with them from using Mister Softee,

Inc.'s proprietary trademarks and trade names or any colorable imitation in any manner whatsoever.

- ii. An accounting of and judgment for the profits to which Mister Softee, Inc. may be entitled;
- iii. Treble damages pursuant to 15 U.S.C. § 1117;
- iv. An order requiring the defendants to deliver and/or destroy all labels, signs, prints, packages, wrappers, receptacles and advertisements in their possession bearing the word and/or symbol that is the subject of the trademark or trade name violation or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of making the same pursuant to 15 U.S.C. §1118;
- v. Punitive Damages;
- vi. Attorneys' fees;
- vii. Costs of this action; and
- viii. Such further relief as this Court deems just and proper.

COUNT II

Trade Dress Infringement

59. Mister Softee incorporates the averments contained in paragraphs 1 through 58 as if fully set forth in this paragraph.

60. The type and size of the trucks used by the defendants are virtually the same as those used by Mister Softee.

61. The color combinations and designs of defendants' trucks are virtually identical to that of Mister Softee.

62. The advertising displays used by many of the defendants on their trucks are the same or confusingly similar to those used by Mister Softee.

63. Defendants are guilty of trade dress infringement pursuant to the Lanham Act, 15 U.S.C. §1051, *et seq.* Defendants are using Mister Softee's trade dress without Mister Softee's permission. Defendants' trade dress for their mobile trucks constitutes a false designation of origin and is likely to cause confusion, mistake or deception as to being affiliated, connected or associated with Mister Softee in violation of 15 U.S.C. §1125(a).

64. Defendants have utilized and benefited from Mister Softee's trade dress. As a result of defendants' use of Mister Softee's trade dress, they have also benefited from Mister Softee's goodwill developed through and associated with its trademarks and trade names since 1956.

65. Defendants' continued operation also causes dilution of Mister Softee's marks in violation of 15 U.S.C. §1125(c).

66. Defendants' continued operation as set forth above has caused and will cause Mister Softee irreparable injury in that Mister Softee will have difficulty franchising defendants' trading areas; business will be diverted from Mister Softee and its authorized distributors and franchisees; the goodwill related to Mister Softee's trade dress, trademarks, trade names and business system will be diluted and taken from Mister Softee's control; and Mister Softee will lose profits and revenues which, because of defendants' conduct, cannot be readily calculated.

67. Mister Softee has no adequate remedy at law because it cannot be adequately compensated for the deprivation and dilution of the consumer recognition and goodwill built

up under the Mister Softee trade dress, trademarks and trade names as a result of defendants' conduct.

68. Mister Softee's immediate and irreparable harm will continue unless defendants are enjoined from continuing to infringe Mister Softee's trade dress.

WHEREFORE, plaintiff Mister Softee, Inc. demands judgment in its favor and against the defendants as follows:

- i. A preliminary and permanent injunction enjoining the defendants and their agents, employees and any person acting in concert with them from using Mister Softee, Inc.'s trade dress or any colorable imitation in any manner whatsoever;
- ii. An accounting of and a judgment for the profits to which Mister Softee, Inc. may be entitled;
- iii. Treble damages pursuant to 15 U.S.C. § 1117;
- iv. An order requiring defendants to deliver and/or destroy all labels, signs, prints, packages, wrappers, receptacles, and advertisements in their possession bearing the word and/or symbol that is the subject of the trade dress violation or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of making the same pursuant to 15 U.S.C. § 1118;
- v. An order requiring defendants to make all necessary changes and alterations to their trucks to avoid further infringement of Mister Softee's trade dress
- vi. Punitive damages;
- vii. Attorneys' fees;
- viii. Costs of this action; and
- ix. Such further relief as this Court deems just and proper.

Dated: August 26, 2005

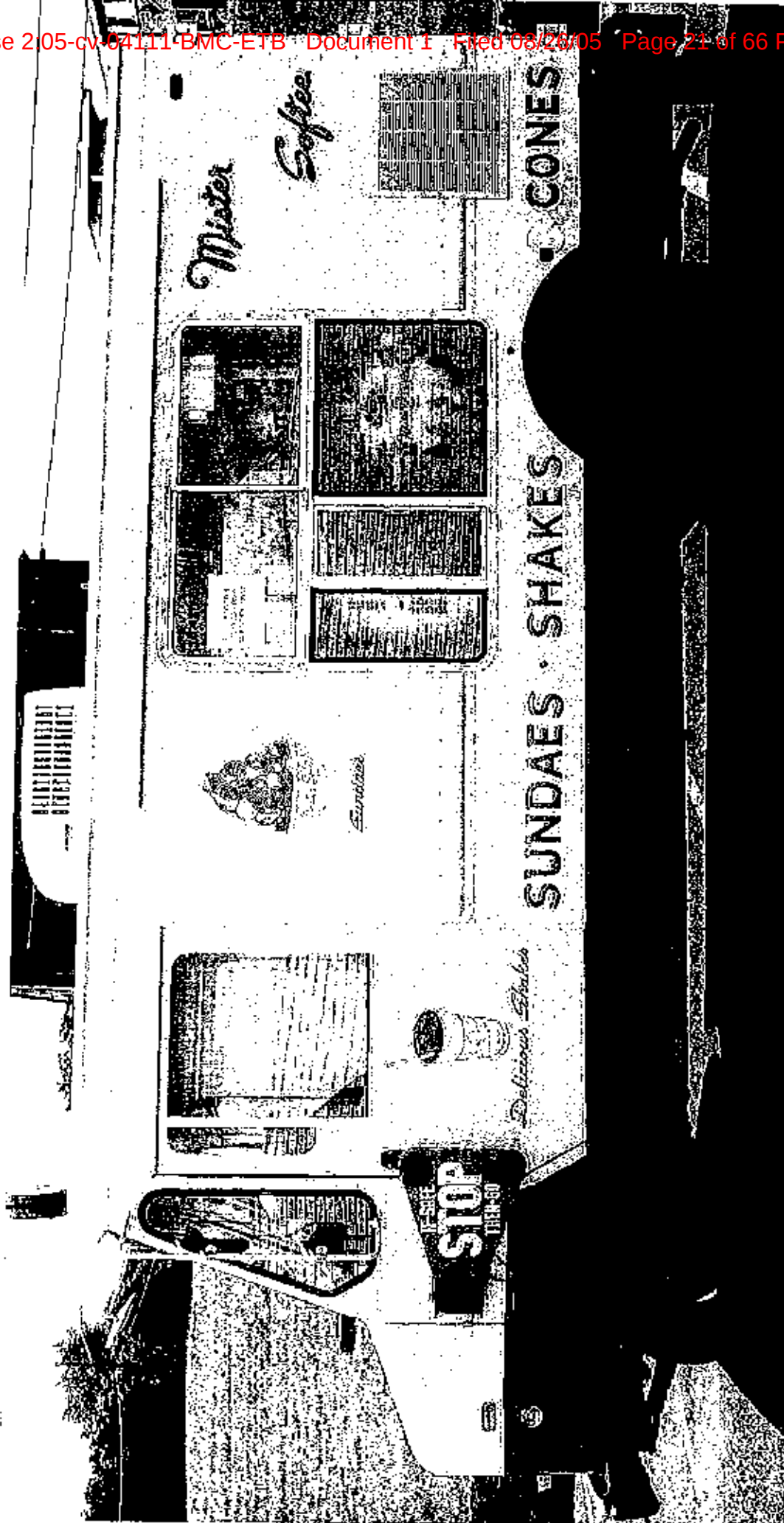
HARGRAVES McCONNELL & COSTIGAN, P.C.



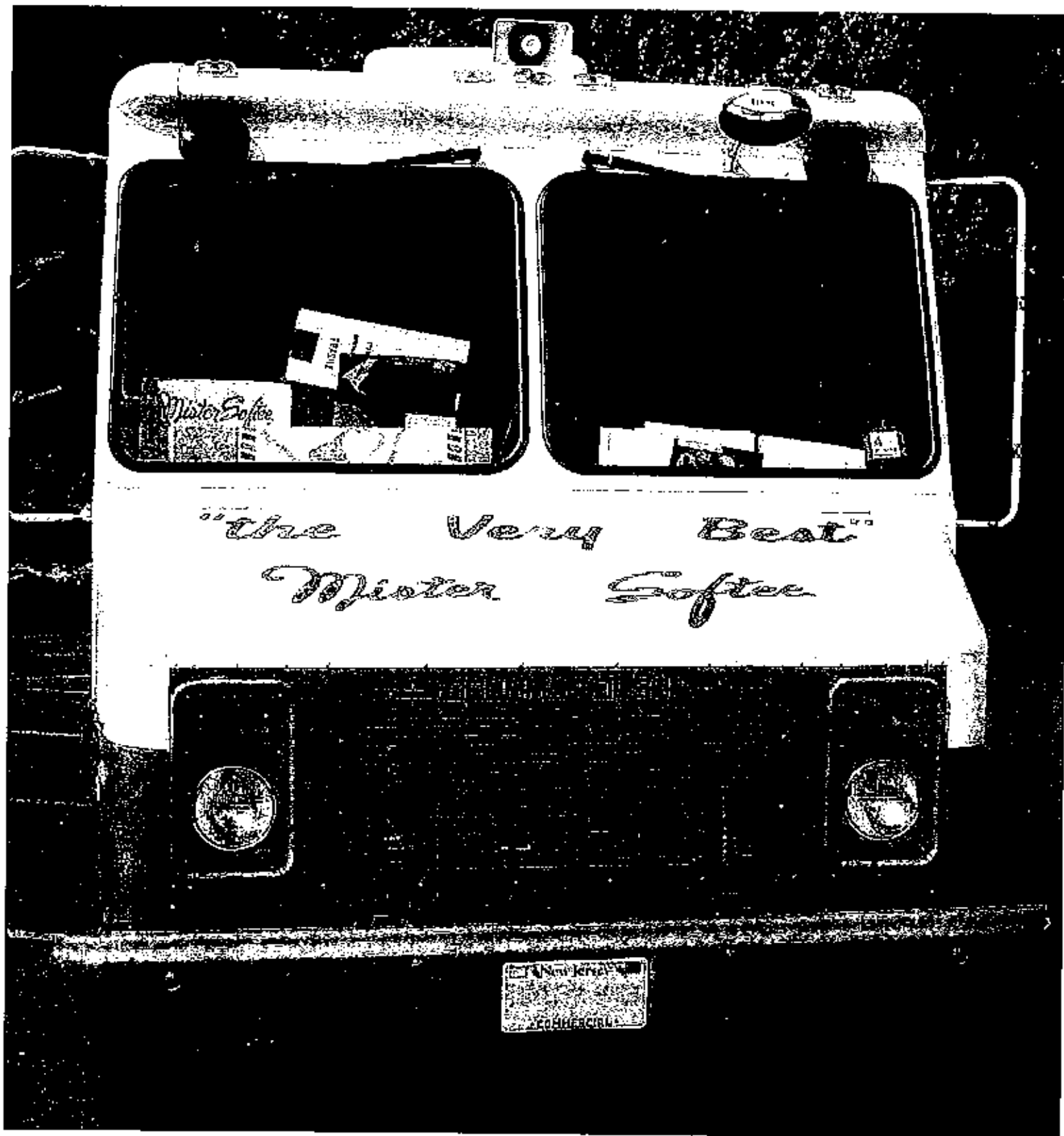
Andrew J. Costigan (3761)
The Graybar Building
420 Lexington Avenue, Suite 2101
New York, NY 10170
Telephone: (212) 218-8760
Facsimile: (212) 218-8761

Of Counsel: Jeffrey Zucker
Fisher & Zucker LLC
121 S. Broad Street, Suite 1200
Philadelphia, PA 19107
(215) 545-5200
Attorneys for Plaintiff Mister Softee, Inc.

EXHIBIT A







WATCH FOR OUR CHILDREN
SLOW!

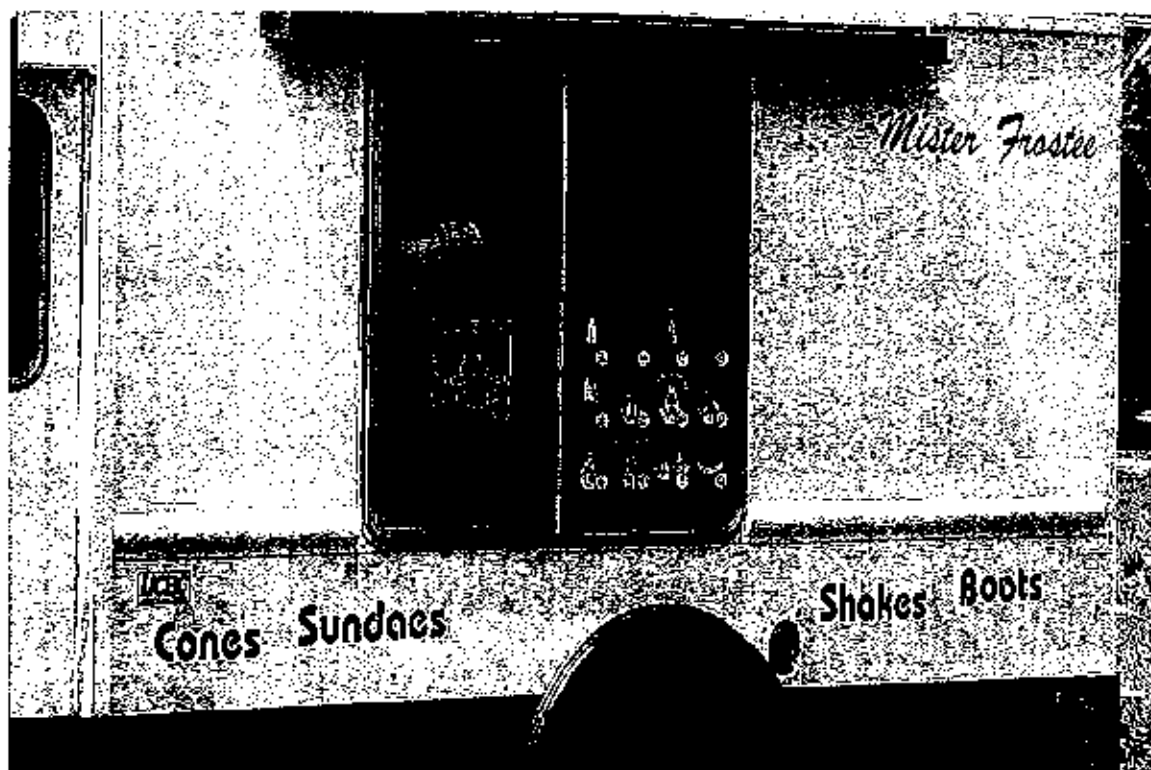


© 2004 by [illegible]

EXHIBIT B

DATE: 18260JTT TYPE: COMMERCIAL
 INF: 1GB Case 2:05 cv:04111-BMC-E
 7 CREVR BL/WN VAN WEIGHT:009500
 JEL: GAS CYL: 08
 PIR: 03/31/07 VALID: 03/25/05
 JS:

REGISTRANT INFORMATION:
 590 PINE AIR DR COUNTY: SUFF
 BAY SHORE NY ZIP: 11706
 MI#: K75561 91948 641170-67



Case 2:05-cv-04111-BMC-ETB Document 1 Filed 08/26/05 Page 27 of 66 PageID #: 32

Page 27 of 66 PageID #: 32

COUNTY: SUFF



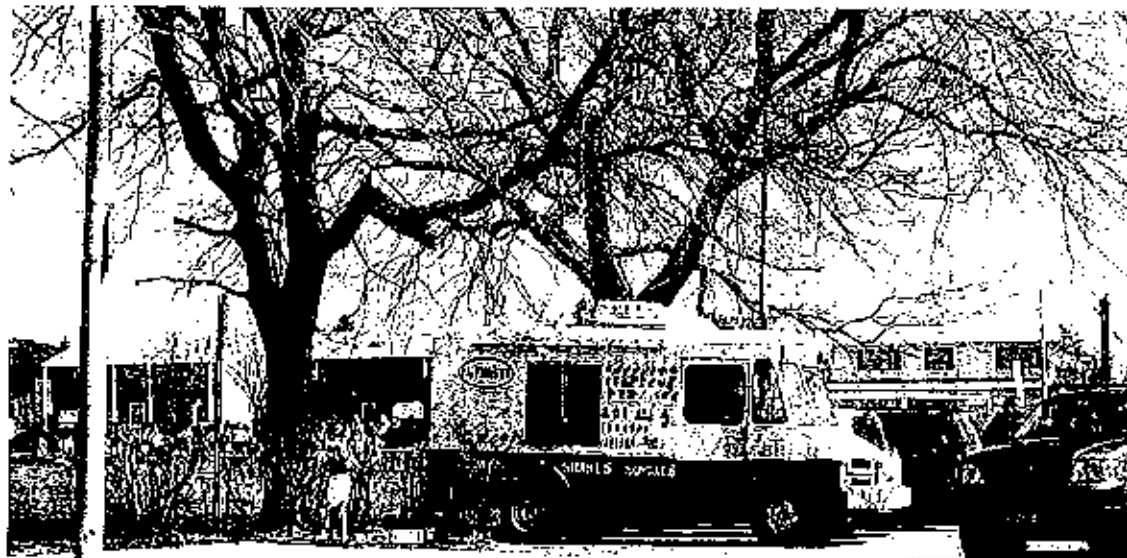
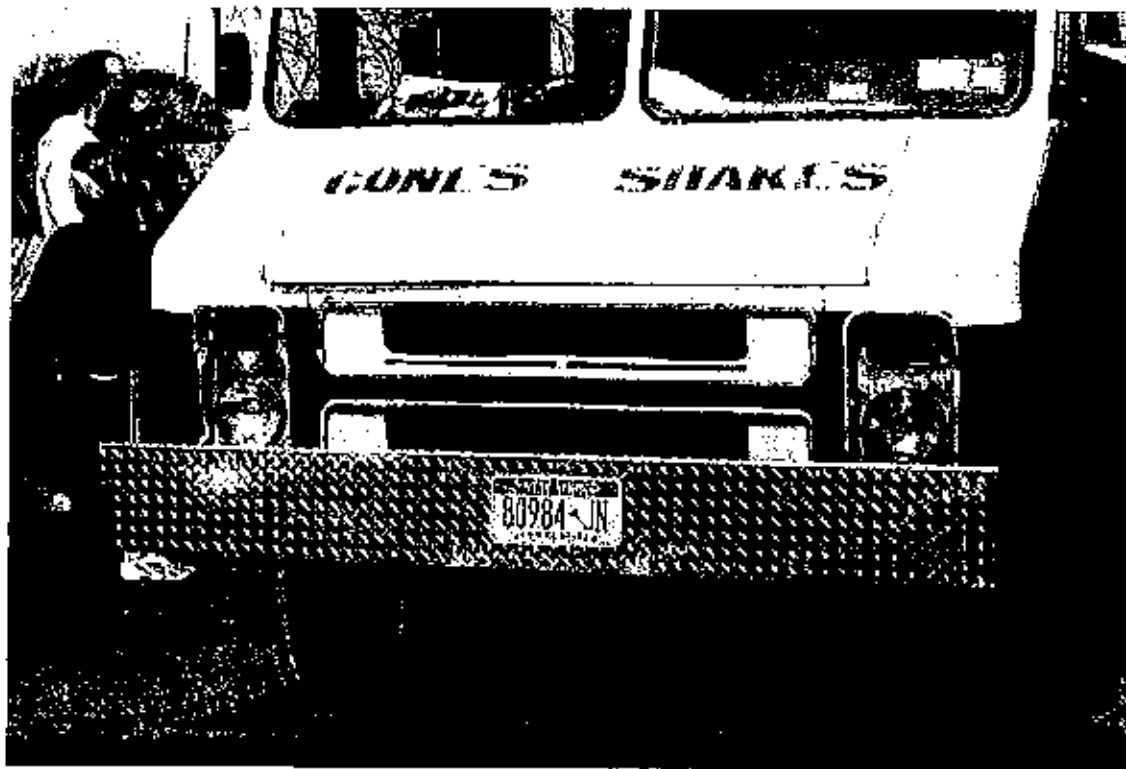
PLATE: 18260JT TYPE: COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GBHP32RXV3307603 KOOL;KAT;TREATS;LLC
97 CHEVR BL/WH VAN WEIGHT:009500
FUEL: GAS CYL: 08 590 PINE AIR DR COUNTY: SUFF
EXPIRES: 03/31/07 VALID: 03/25/05 BAY SHORE NY ZIP: 11706
INS: MI#: K75561 91948 641170-67



PLATE 80984JN TYPE COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GTIP32K4P3502311 YUCE, HUSEYIN, A DOB: 01/21/70
93 GMC BLUE VAN WEIGHT: 007000 SEX: M
FUEL: GAS CYL: 08 2A DENTON PL 2FL COUNTY: NASS
EXPIRES: 01/07/06 VALID: 03/29/05 FARMINGDALE NY ZIP: 11735
INS: MI#: Y21117 07819 781057-70

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH
THIS RECORD -----

88 CHEVR WHITE VAN WEIGHT: 007620 FUEL: GAS CYL 08 VIN#
1GBGP32K3J3316703



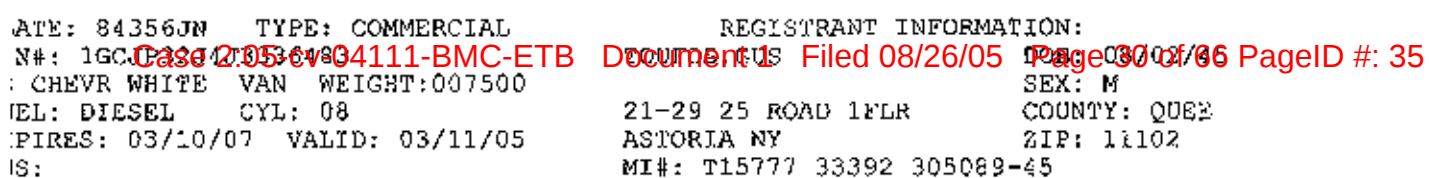
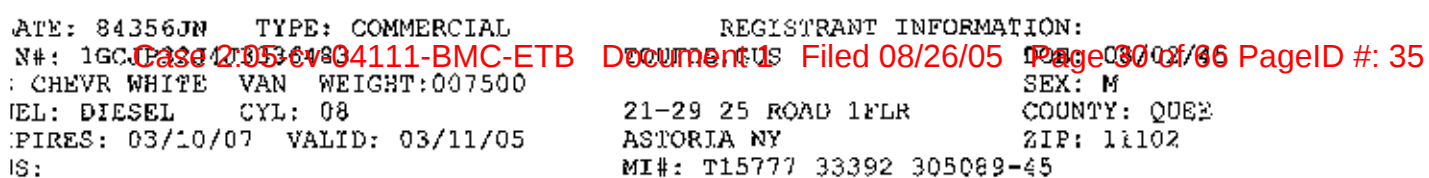
ATE: 84356JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
N#: 1GCCP212836190 TOWN: BUS ID#: 030036
: CHEVR WHITE VAN WEIGHT:007500 SEX: M
EL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
PIRES: 03/10/07 VALID: 03/11/05 ASTORIA NY ZIP: 11102
IS: MI#: T15777 33392 305089-45

ATE: 84356JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
N#: 1GCCP212836190 TOWN: BUS ID#: 030036
: CHEVR WHITE VAN WEIGHT:007500 SEX: M
EL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
PIRES: 03/10/07 VALID: 03/11/05 ASTORIA NY ZIP: 11102
IS: MI#: T15777 33392 305089-45

ATE: 84356JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
N#: 1GCCP212836190 TOWN: BUS ID#: 030036
: CHEVR WHITE VAN WEIGHT:007500 SEX: M
EL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
PIRES: 03/10/07 VALID: 03/11/05 ASTORIA NY ZIP: 11102
IS: MI#: T15777 33392 305089-45

ATE: 84356JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
N#: 1GCCP212836190 TOWN: BUS ID#: 03003/3
: CHEVR WHITE VAN WEIGHT: 007500 SEX: M
EL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
PIRES: 03/10/07 VALID: 03/11/05 ASTORIA NY ZIP: 11102
IS: MI#: T15777 33392 305089-45

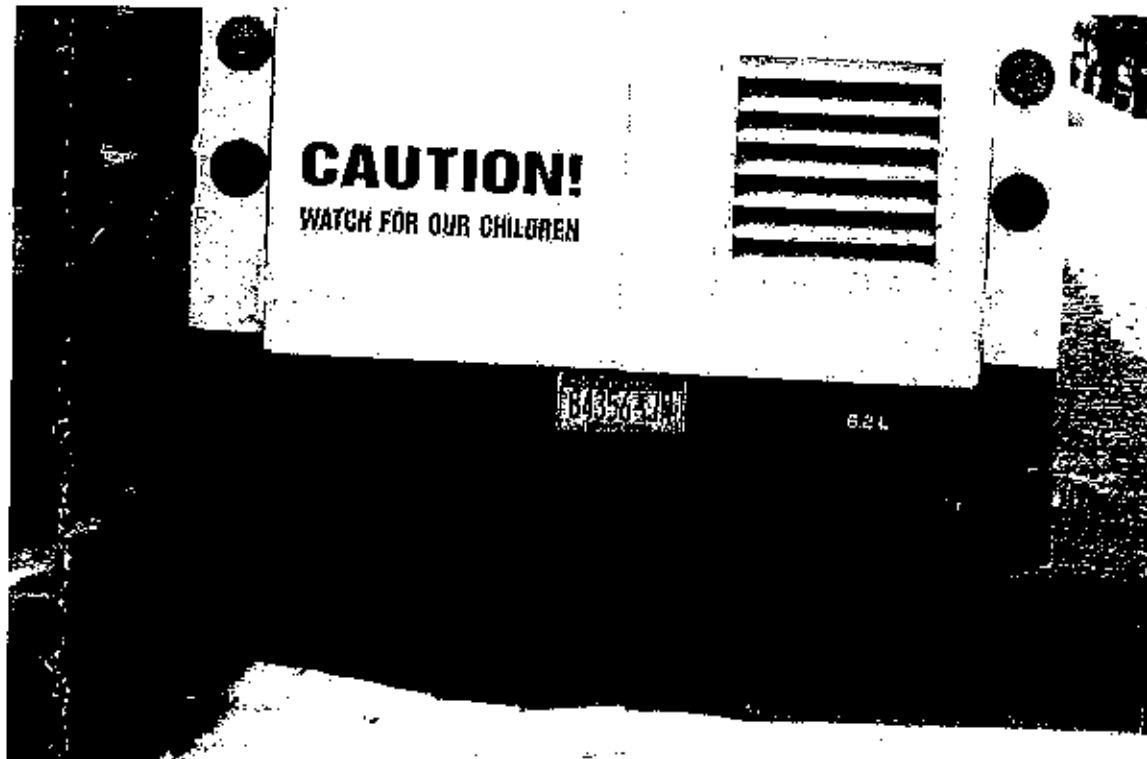
ATE: 84356JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
N#: 1GCCP212836190 TOWN: BUS ID#: 03003/3
: CHEVR WHITE VAN WEIGHT: 007500 SEX: M
EL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
PIRES: 03/10/07 VALID: 03/11/05 ASTORIA NY ZIP: 11102
IS: MI#: T15777 33392 305089-45



ATE: 84356JN TYPE: COMMERCIAL
IN#: 1G00000000000000000000000000000000
8 CHEVR WHITE VAN WEIGHT:007500
UEL: DIESEL CYL: 08
KPIRES: 03/10/07 VALID: 03/11/05
NS:

REGISTRANT INFORMATION:
TOWN: GIS
21-29 25 ROAD 1FLR
ASTORIA NY
MI#: T15777 33392 305089-45

Page 31 of 66
PageID #: 36
SEX: M
COUNTY: QUEE
ZIP: 11102



LATE: 84355JN TYPE: COMMERCIAL
IN#: 1GC79327H3325250
7 CHEVR WHITE VAN WEIGHT: 007500
UEL: DIESEL CYL: 08
XPIRES: 03/10/07 VALID: 03/11/05
NS:

REGISTRANT INFORMATION:
TOUFOS GHS
DOB: 08/03/45
SEX: M
21-29 25 ROAD 1FLR
ASTORIA NY
COUNTY: QUEE
ZIP: 11102
MI#: T15777 33392 305089-45

TOUFOS TRUCK #2



GATE: 84355JN TYPE: COMMERCIAL
IN#: 1GCTB32J7H325259
7 CHEVR WHITE VAN WEIGHT:007500
JEL: DIESEL CYL: 08
PIRES: 03/10/07 VALID: 03/11/05
NS:

REGISTRANT INFORMATION:
TOWERS GUS DOB: 03/02/45
SEX: M
21-29 25 ROAD 1FLR COUNTY: QUEE
ASTORIA NY ZIP: 11102
MI#: 115777 33392 305089-45



PLATE: 85341JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GCJP32J7H3325259 TOUFOS, GUS DOB: 08/02/45
87 CHEVR WHITE VAN WEIGHT: 007100 SEX: M
FUEL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEB
EXPIRES: 02/22/06 VALID: 02/23/04 ASTORIA NY ZIP: 11102
INS: MI#: T15777 33392 305089-45

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH
THIS RECORD -----

VOLUNTARY PLATE SURRENDER ON: 12/13/04

VOLUNTARY PLATE SURRENDER ON: 12/10/04

----- REGISTRATION ACTIVITIES -----

REG SUSPENDED ON: 10/15/04 FOR 037 DAYS - REASON: INS. NOT IN EFFECT
COMPLIANCE DATE: 12/10/04 CLEARED ON: 01/17/05

TOUFOS TRUCK #3

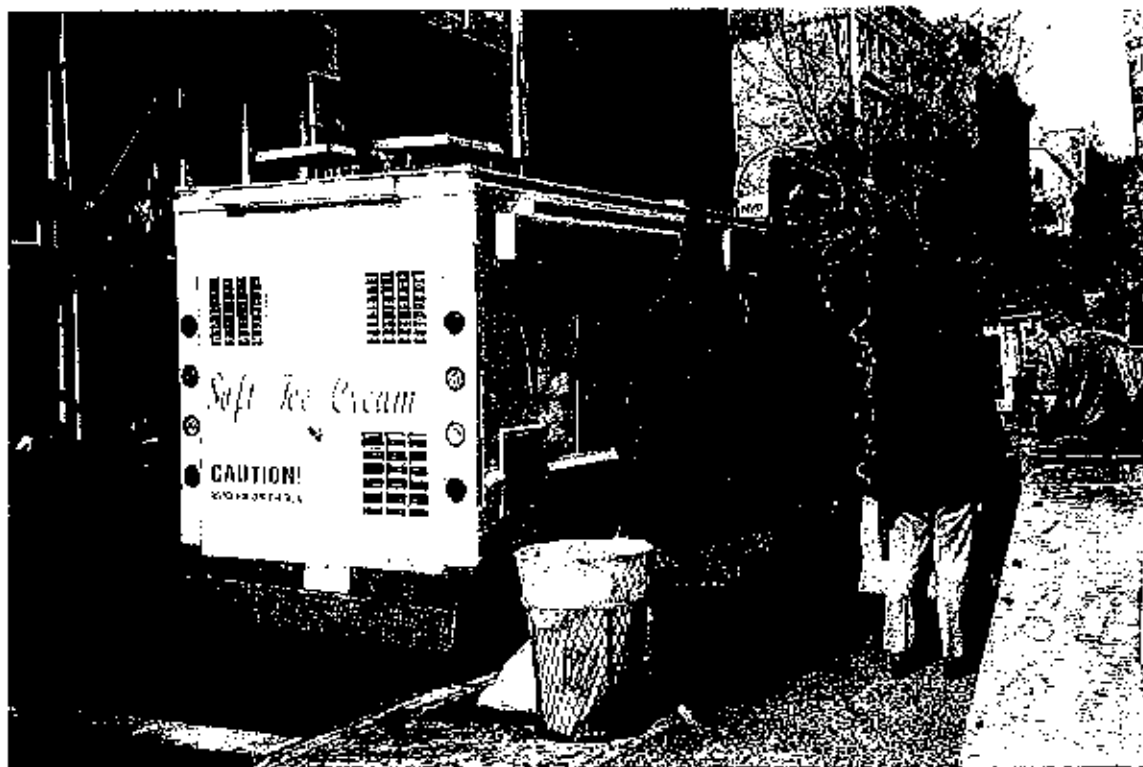


PLATE: 83341IN TYPE: COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GCJP32J7H3325259 TOUFOS, GUS DOB: 08/02/45
87 CHEVR WHITE VAN WEIGHT: 007100 SEX: M
FUEL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEE
EXPIRES: 02/22/06 VALID: 02/23/04 ASTORIA NY ZIP: 11102
INS: MI#: T15777 33392 305089-45

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH
THIS RECORD ----

VOLUNTARY PLATE SURRENDER ON: 12/13/04

VOLUNTARY PLATE SURRENDER ON: 12/10/04

----- REGISTRATION ACTIVITIES -----

REG SUSPENDED ON: 10/15/04 FOR 037 DAYS - REASON: INS. NOT IN EFFECT
COMPLIANCE DATE: 12/10/04 CLEARED ON: 01/17/05

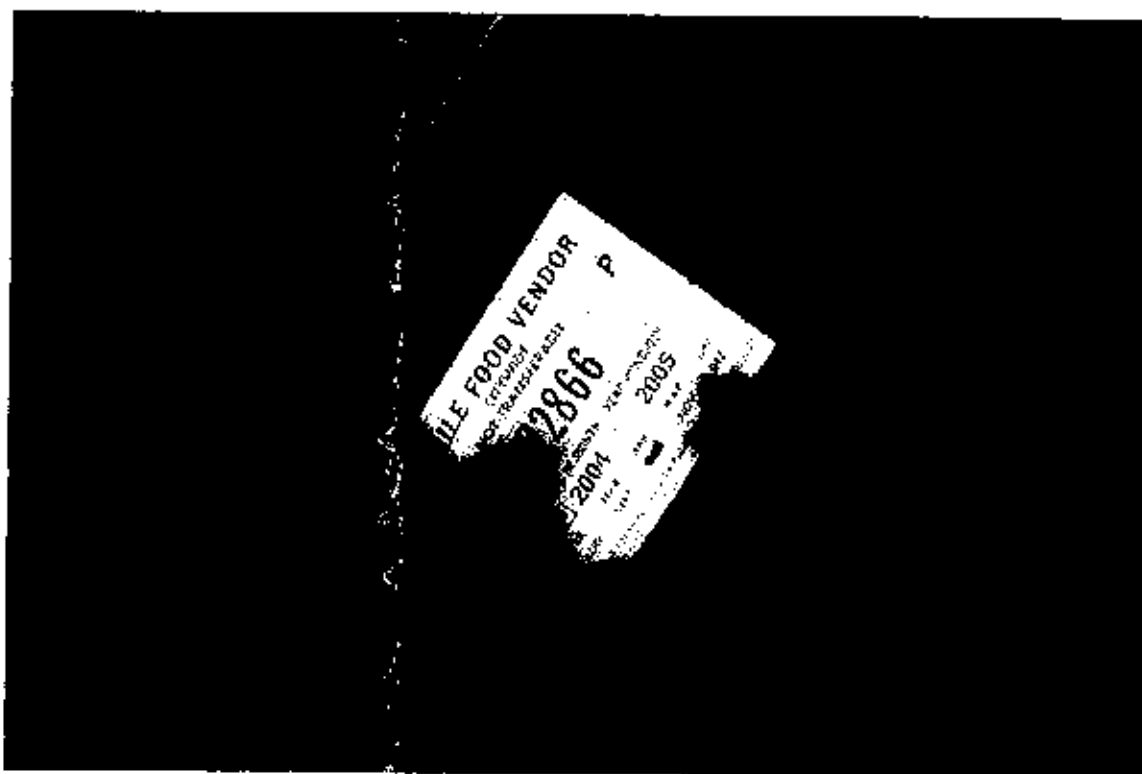


PLATE: 85341JN TYPE: COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GCJP32J7H3325259 TOUFOS, GUS DOB: 08/02/45
87 CHEVR WHITE VAN WEIGHT: 007100 SEX: M
FUEL: DIESEL CYL: 08 21-29 25 ROAD 1FLR COUNTY: QUEE
EXPIRES: 02/22/06 VALID: 02/23/04 ASTORIA NY ZIP: 11102
INS: MI#: T15777 33392 305089-45

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH
THIS RECORD -----

VOLUNTARY PLATE SURRENDER ON: 12/13/04

VOLUNTARY PLATE SURRENDER ON: 12/10/04

----- REGISTRATION ACTIVITIES -----
REG SUSPENDED ON: 10/15/04 FOR 037 DAYS - REASON: INS. NOT IN EFFECT
COMPLIANCE DATE: 12/10/04 CLEARED ON: 01/17/05

CAUTION!

WATCH FOR OUR CHILDREN



Bella

85341-JN
COMMERCIAL

DISCOUNT

TE: 87876JT TYPE: COMMERCIAL
N#: 1GDUJ221763503142
GMC WHITE VAN WEIGHT: 009500
EJ: GAS CYL: 08
PIRES: 03/30/07 VALID: 03/31/05
IS:

REGISTRANT INFORMATION:
NAZARETYAN, SEROB
DOB: 06/26/63
SEX: M
40-39 48 ST D1
SUNNYSIDE NY
MI#: N01931 52722 464308-67

Page 37 of 66 PageID #: 42

----- REGISTRATION ACTIVITIES -----



TE: 878763T TYPE: COMMERCIAL
N#: 1GDJF22T7E23503142
GMC WHITE VAN WEIGHT:009500
EL: GAS CYL: 08
PIRES: 03/30/07 VALID: 03/31/05
S:

REGISTRANT INFORMATION:
NAZARETYAN, SEROB DOB: 00/02/67
SEX: M
40-39 48 ST D1 COUNTY: QUEE
SUNNYSIDE NY ZIP: 11104
MI#: N01931 52722 464308-67

----- REGISTRATION ACTIVITIES -----



ATE: 12277JU TYPE: COMMERCIAL
N#: 1GDH2328543502919
GMC RED VAN WEIGHT: 006900
EL: GAS CYL: 06
PIRES: 03/31/06 VALID: 03/30/05
S:

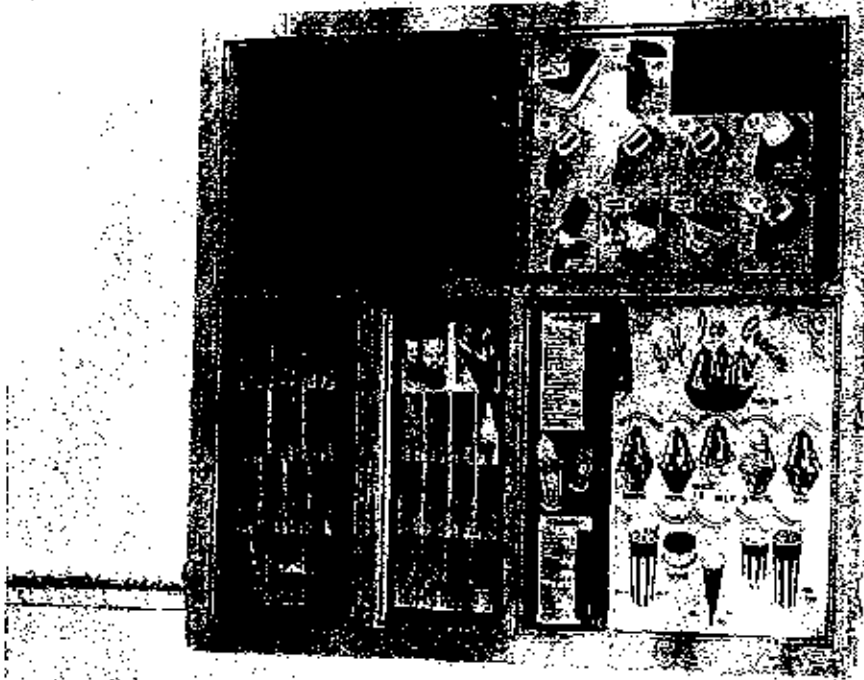
REGISTRANT INFORMATION:
SERGIADIS STEVEN
DOB: 09/21/78
SEX: M
34-37 11 STREET
LONGISLANDCITY NY
MI#: S05649 20928 016093-78
COUNTY: QUEE
ZIP: 11106

Case 2:05-cv-04111-BMC-ETB Document 1 Filed 08/26/05 Page 39 of 66 PageID #: 44

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH THIS RECORD -----

PREVIOUS PLATE: 85780JN TYPE: COMMERCIAL. PLATES REPLACED ON: 03/30/05

UNLAWFUL PLATE SURRENDER ON: 12/16/04



ATE: 1227730 TYPE: COMMERCIAL
J#: 1GDHP32R5V3502918
GMC RED VAN WEIGHT: 006900
EL: GAS CYL: 06
PIRES: 03/31/06 VALID: 03/30/05
S:

REGISTRANT INFORMATION:
SERGIADIS, STAVROS DOB: 09/21/78
SEX: M
34-37 11 STREET COUNTY: QUEE
LONGISLANDCITY NY ZIP: 11106
MI#: S05649 20928 016093-78

----- PREVIOUS VEHICLES/PLATES/INSURANCE INFO ASSOCIATED WITH THIS RECORD -----

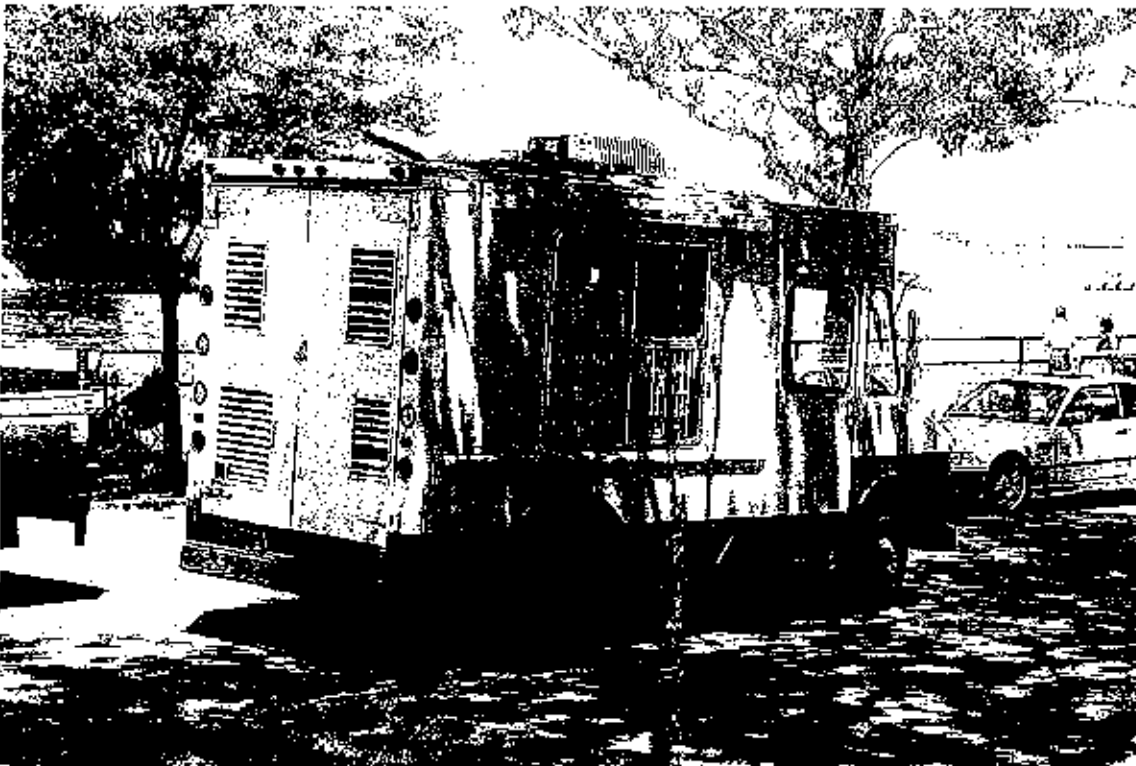
EVIOUS PLATE: 85780JN TYPE: COMMERCIAL PLATES REPLACED ON: 03/30/05

LONTARY PLATE SURRENDER ON: 12/16/04



TE: 12282JU TYPE: COMMERCIAL
N#: 1GCJP32J4J3318761
CHEVR WHITE VAN WEIGHT: 008000
EL: DIESEL CYL: 08
PIRES: 03/31/07 VALID: 03/30/05
S:

REGISTRANT INFORMATION:
JOHN LUKE, INC
26 20 23 AVE
ASTORIA NY
MI#: J75304 60189 301110-51



TE: 12282JU TYPE: COMMERCIAL
N#: 1GCTE32J4218761
CHEVR WHITE VAN WEIGHT:008000
EL: DIESEL CYL: 08
PIRES: 03/31/07 VALID: 03/30/05
IS:

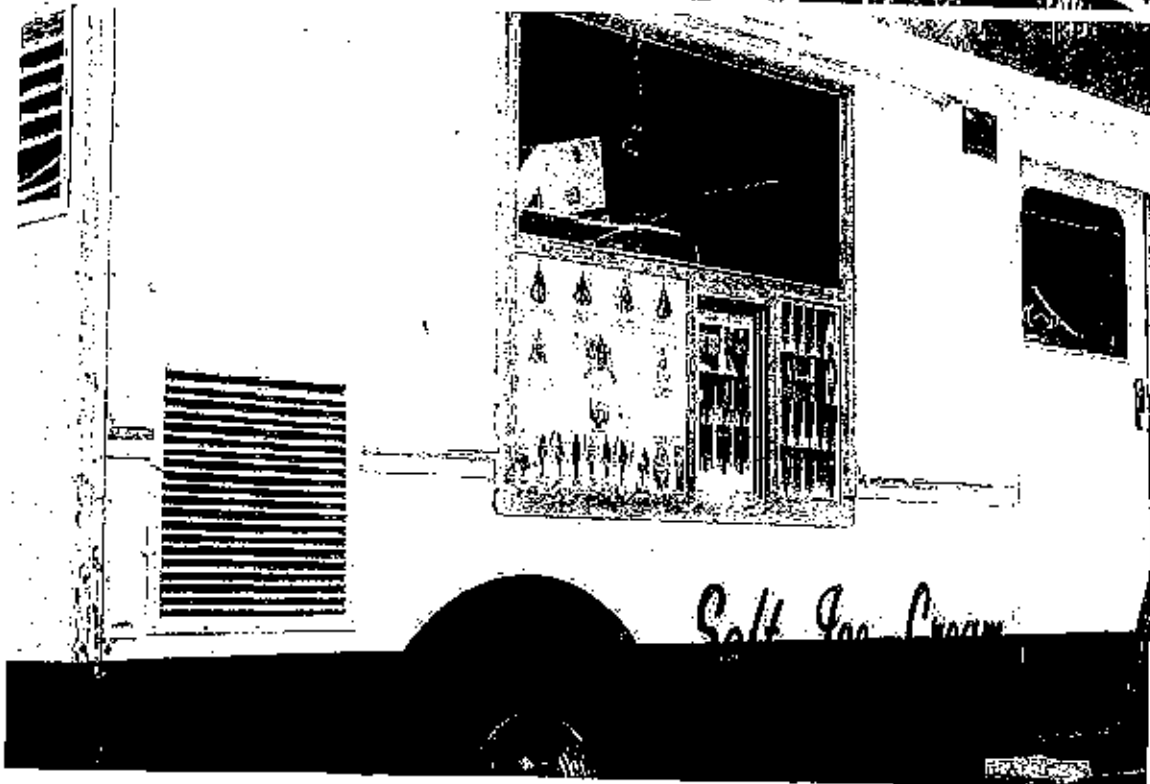
REGISTRANT INFORMATION:
JOHN LUKE, INC
26 20 23 AVE COUNTY: QUEE
ASTORIA NY ZIP: 11105
MI#: J75304 60189 301110-51



VE: 84306JN TYPE: COMMERCIAL
IN#: TPT223502951
GMC GY/BK VAN WEIGHT:005500
IEL: GAS CYL: 06
PIRES: 03/31/07 VALID: 03/08/05
IS:

REGISTRANT INFORMATION:
EDWARD E THAMMONGKOL
34 37 11 ST
LONG ISLAND CITY NY
MI#: E64825 36673 681110-64

COUNTY: QUEE
ZIP: 11106



ATE: 84306JN TYPE: COMMERCIAL
IN#: TPT32A3502861
0 GMC G1/BK VAN WEIGHT:005500
UEL: GAS CYL: 06
XPIRES: 03/31/07 VALID: 03/08/05
NS:

REGISTRANT INFORMATION:

EDWARD ETHEM INC
34 37 11 ST COUNTY: QUEE
LONGISLANDCITY NY ZIP: 11106
MI#: E64825 36673 681110-64

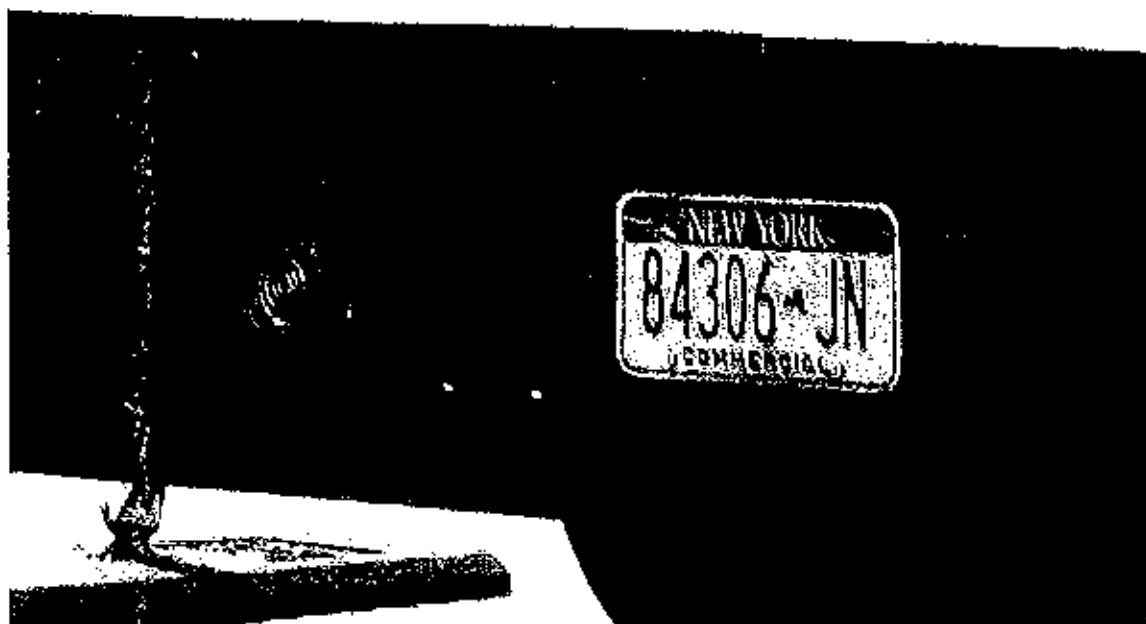


PLATE: 18004IT TYPE: COMMERCIAL REGISTRANT INFORMATION:
VIN#: 1GDJP32J7L3503000 MALDONADO, JUAN, R DOB: 01/10/37
90 GMC GY/BL VAN WEIGHT: 009200 SEX: M
FUEL: DIESEL CYL: 08 47 EAST CHERRY ST COUNTY: SUFF
EXPIRES: 03/16/07 VALID: 03/17/05 CENTRAL ISLIP NY ZIP: 11722
INS: MI#: M01415 33760 720839-37

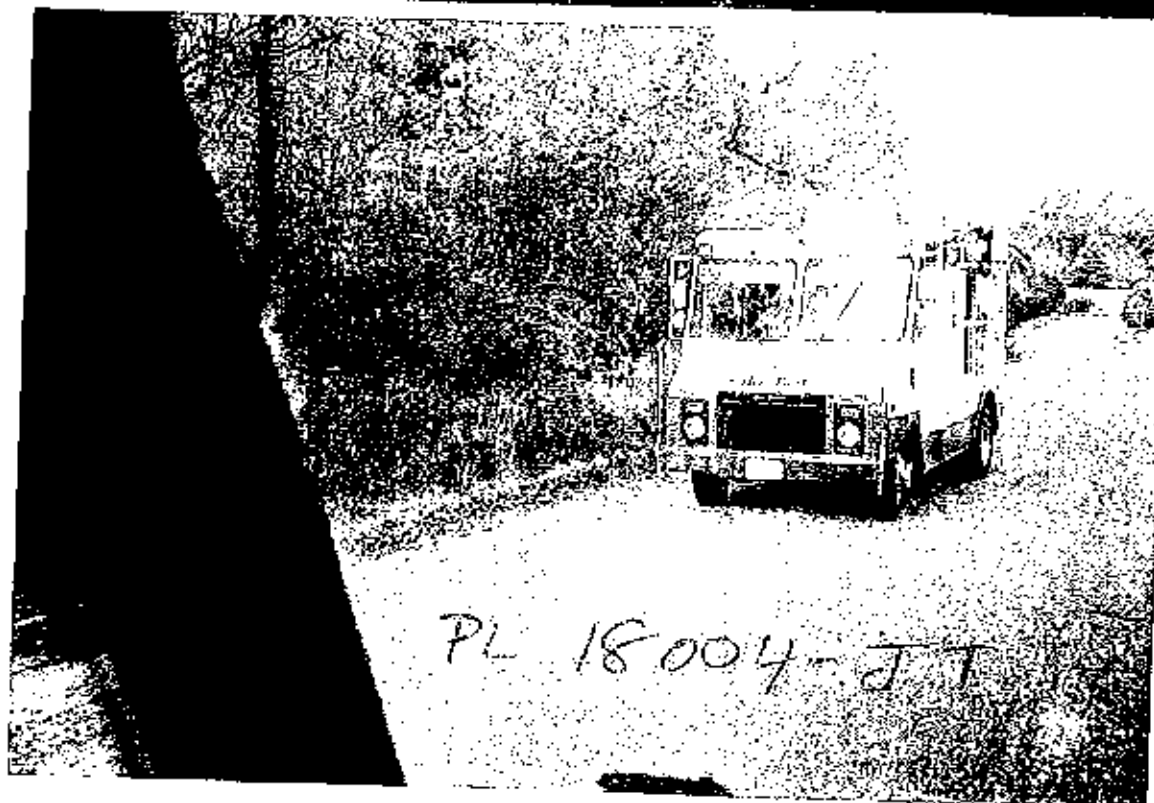


PLATE 1800JIT TYPE COMMERCIAL REGISTRATION INFORMATION
VIN#: 1GDJP32J7L3503000 MALDONADO, JUAN, R DOB: 01/10/37
90 GMC GY/BL VAN WEIGHT: 009200 SEX: M
FUEL: DIESEL CYL: 08 47 EAST CHERRY ST COUNTY: SUFF
EXPIRES: 03/16/07 VALID: 03/17/05 CENTRAL ISLIP NY ZIP: 11722
INS: MI#: M01415 33760 720839-37

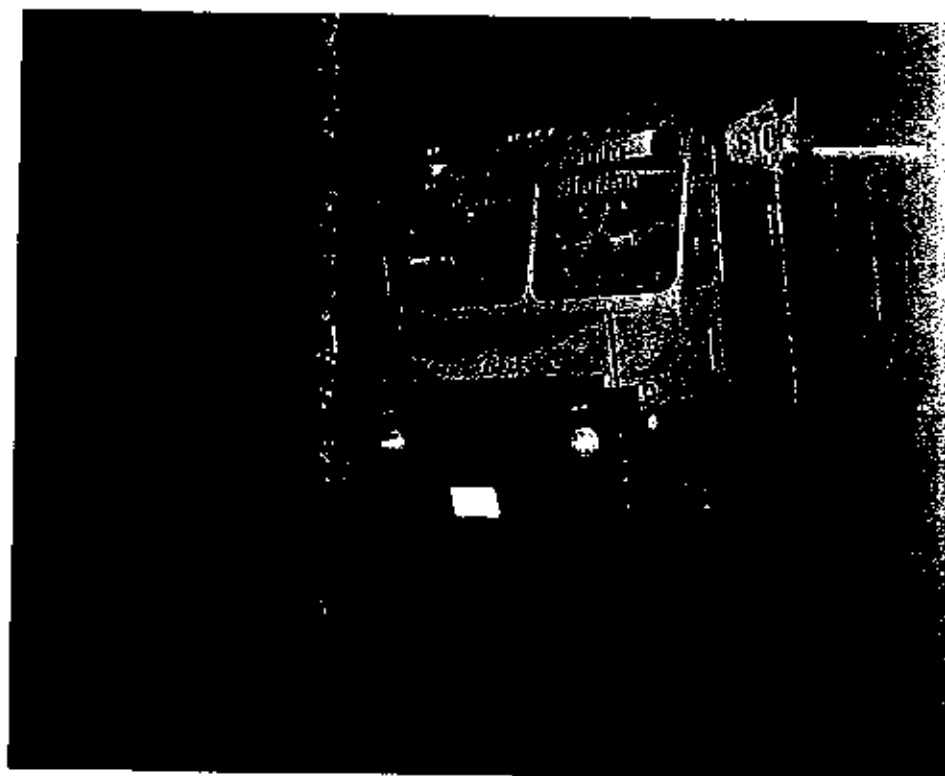


PLATE: 18004JT TYPE: COMMERCIAL REGISTRANT INFORMATION:
Case 2:05-cv-04111-BMC-ETB Document 1 Filed 08/26/05 Page 47 of 66 PageID #: 52
VIN#: 1GDJP32J7L3503000 MALDONADO, JUAN, R DOB: 01/10/37
90 GMC GY/BL VAN WEIGHT: 009200 SEX: M
FUEL: DIESEL CYL: 08 47 EAST CHERRY ST COUNTY: SUFF
EXPIRES: 03/16/07 VALID: 03/17/05 CENTRAL ISLIP NY ZIP: 11722
INS: MI#: M01415 33760 720839-37



ATE: 12532JU TYPE: COMMERCIAL

REGISTRANT INFORMATION:

N#: CPT320323170

CHEVR GREY VAN WEIGHT: 003700

FUEL: GAS CYL: 06

EXPIRES: 04/30/07 VALID: 04/20/05

IS:

25 56 31ST ST

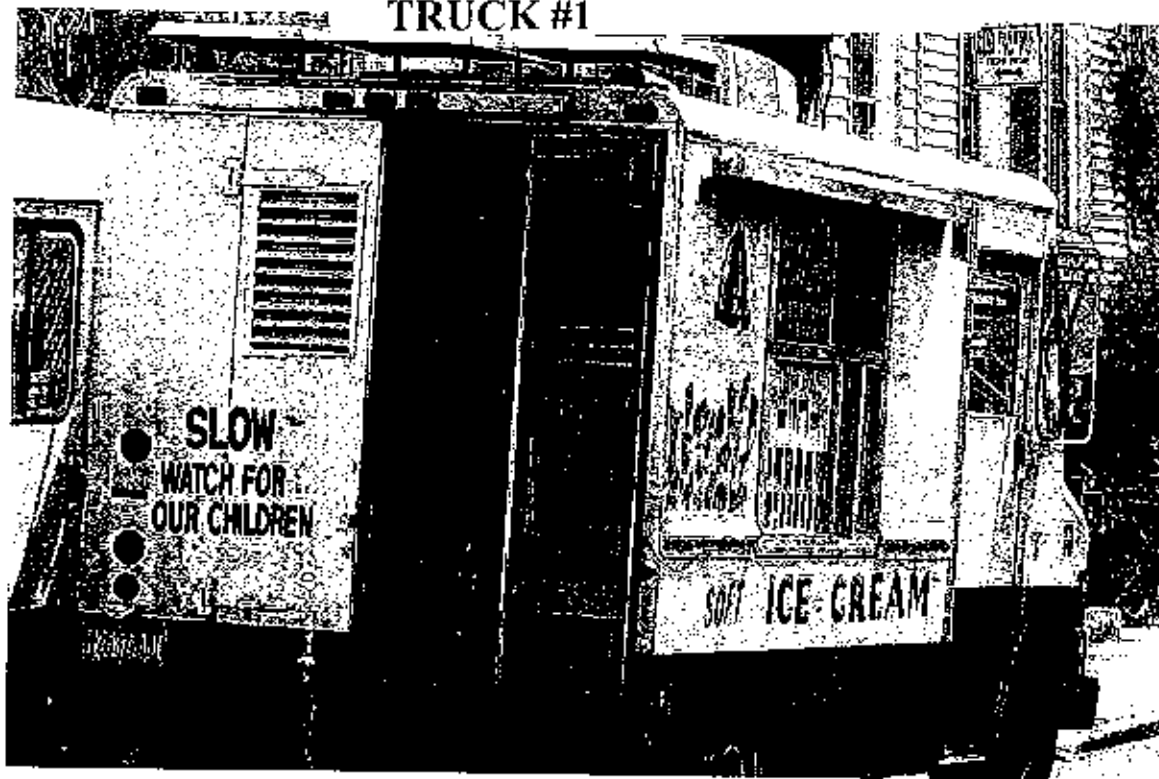
ASTORIA NY

MI#: D61323 68093 911110-28

COUNTY: QUEE

ZIP: 11102

DAIRY LINE CORP TRUCK #1



ATE: 84730JN TYPE: COMMERCIAL
N#: 1GCHP3243230319
CHEVR WHITE VAN WEIGHT: 006500
REL: GAS CYL: 08
PIRES: 03/31/07 VALID: 03/24/08
IS:

REGISTRANT INFORMATION:
25-56 31ST ST
ASTORIA NY
MI#: D61323 68093 911110-28

Document filed 08/26/05 Page 49 of 66 PageID #: 54

DAIRY LINE CORP TRUCK #2



**DAIRY LINE CORP
TRUCK #3**



Case 2:05-cv-04111-BMC-ETB Document 1 Filed 08/26/05 Page 51 of 66 PageID #: 56

Page 51 of 66 PageID #: 56

COUNTY: QUEE
ZIP: 11102

SLOW!
WATCH FOR
OUR
CHILDREN

84729-JN

SOFT ICE C

ITE: 52562JT TYPE: COMMERCIAL
IN#: 1GC041111-BMC-ETB
CHEVR WHITE VAN WEIGHT:008500
EL: DIESEL CYL: 08
PIRES: 03/28/07 VALID: 03/29/05
IS:

REGISTRANT INFORMATION:
CONSTANTAKARUS/B
10 BERRY HILL LANE
BETHPAGE NY
MI#: K15535 44766 112599-52

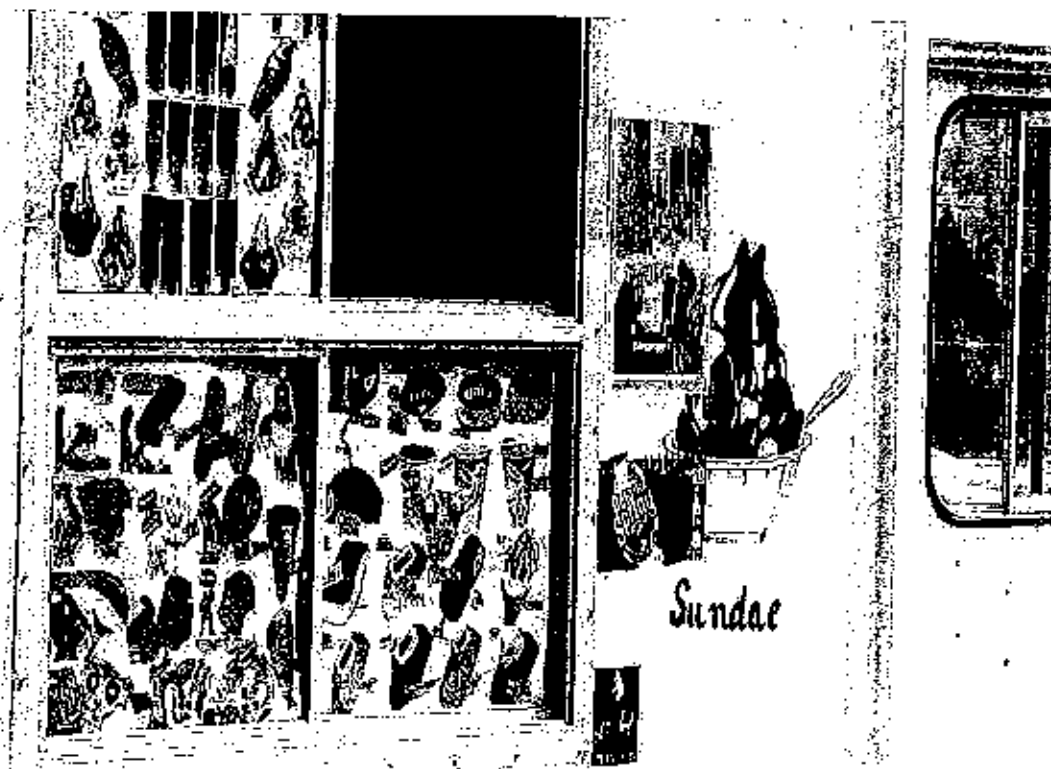
DOB: 04/01/52
SEX: F
COUNTY: NASS
ZIP: 11714



VTE: 52562JT TYPE: COMMERCIAL
VIN#: 1GCVH22110936129
1 CHEVR WHITE VAN WEIGHT:008500
REL: DIESEL CYL: 08
PIRES: 03/28/07 VALID: 03/29/05
JS:

REGISTRANT INFORMATION:
KONSTANTAKAKOS, E
10 BERRY HILL LANE
BETHPAGE NY
MI#: K15535 44766 112599-52

DOB: 04/03/02
SEX: F
COUNTY: MASS
ZIP: 11714



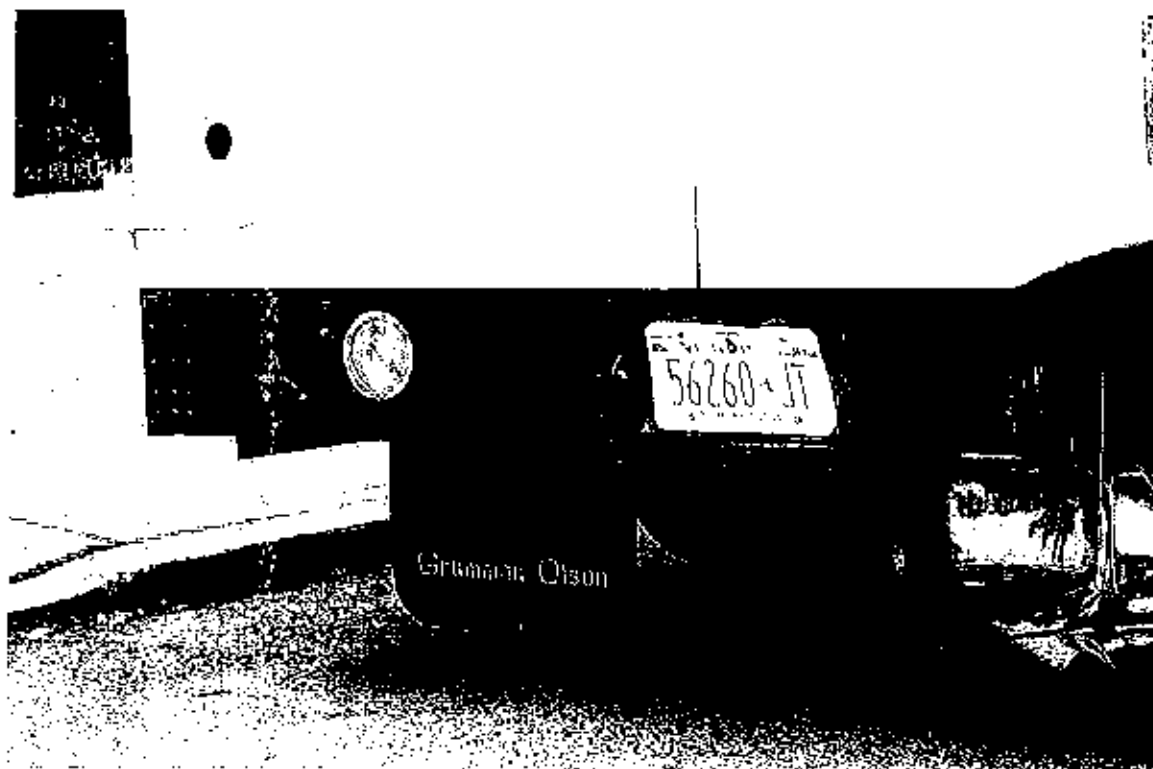
TE: 56260JT TYPE: COMMERCIAL
N#: 1FCJ01200205
FORD RED VAN WEIGHT: 034691
EL: GAS CYL: 08
PIRES: 01/25/07 VALID: 01/26/05
S:

REGISTRANT INFORMATION:
CABRAL, TEOCIMO, A DOB: 05/10/64
SEX: M
157 BARBEY ST 2FL
BROOKLYN NY COUNTY: KING
ZIP: 11207
MI#: C01062 39461 493352-64



TS: 56260JT TYPE: COMMERCIAL
N#: 1FC00015501575
FORD RED VAN WEIGHT:004691
EL: GAS CYL: 08
PIRES: 01/25/07 VALID: 01/26/05
S:

REGISTRANT INFORMATION:
CABRAL, TEOTIMO, A DOB: 05/10/64
SEX: M
157 BARBEY ST 2FL COUNTY: KING
BROOKLYN NY ZIP: 11207
MI#: C01062 39461 493352-64



ATE: 52687JT TYPE: COMMERCIAL

N#: 1GDMF32M6H3500864

GMC GREY VAN WEIGHT: 004200

EL: GAS CYL: 08

PIRES: 04/12/07 VALID: 04/13/05

S:

REGISTRANT INFORMATION:

BERCA, MANUEL, J

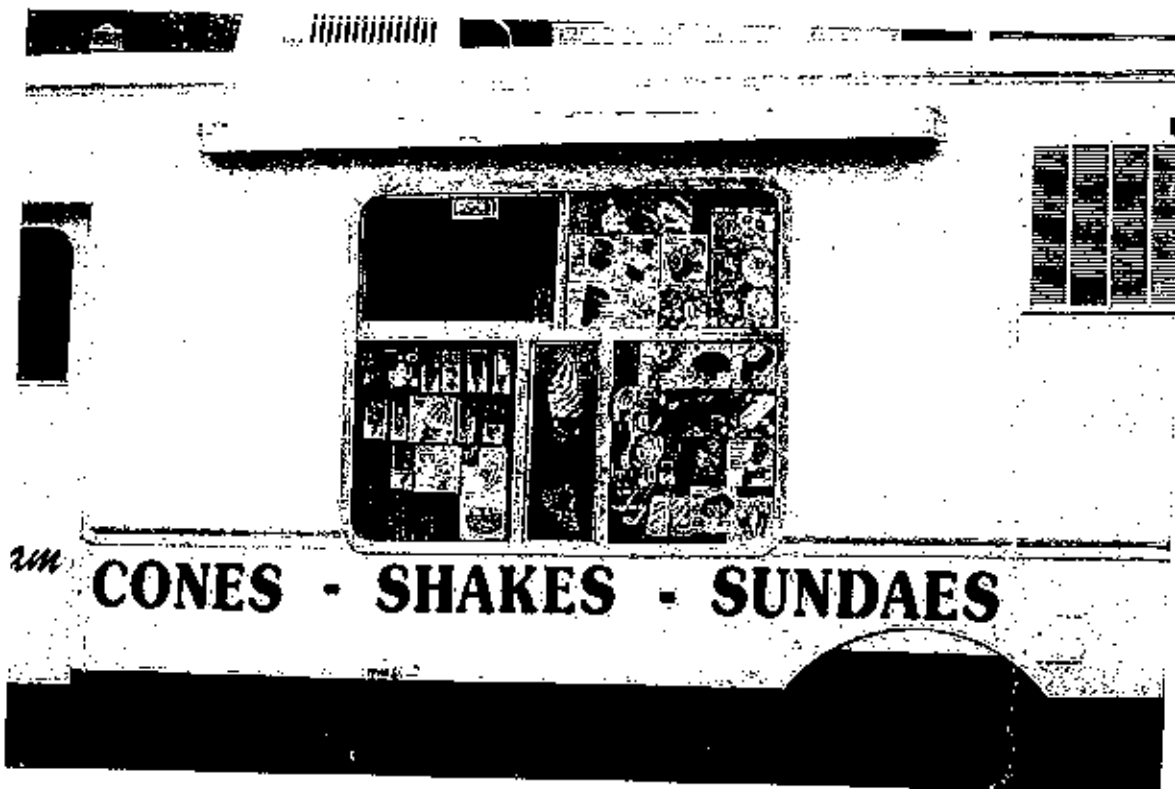
DOB: 12/25/58

SEX: M

COUNTY: QUEE

ZIP: 11372

MI#: 026309 03005 628069-58



ATE: 52687JT TYPE: COMMERCIAL
N#: 1GDM12624350060
GMC GREY VAN WEIGHT:004200
EL: GAS CYL: 08
PIRES: 04/12/07 VALID: 04/13/05
S:

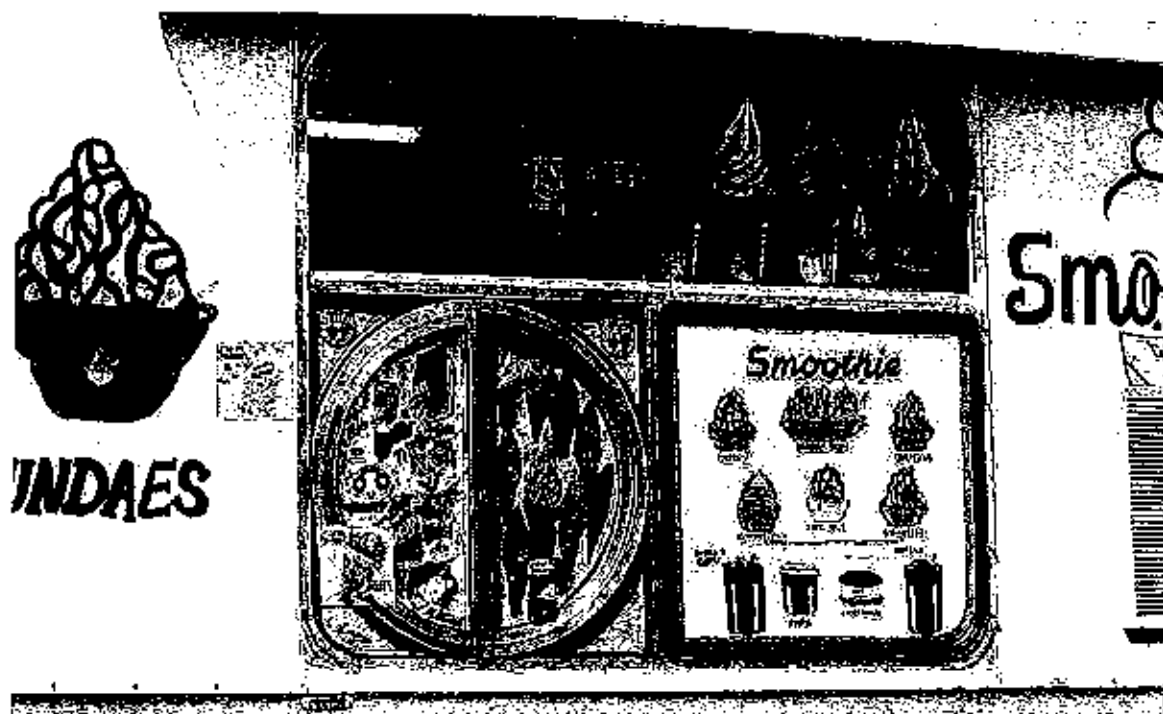
REGISTRANT INFORMATION:
OSCAR, MANUEL, J DOB: 12/25/96
SEX: M
81-14 34 AVE APT 33 COUNTY: QUEE
JACKSON HGTS NY ZIP: 11372
MI#: U26309 03005 628069-58



DATE: 54142JJ TYPE: COMMERCIAL
VIN: F35JE142000
FORD WH/BL VAN WEIGHT: 006850
REL: GAS CYL: 06
PIRES: 03/06/07 VALID: 03/24/05
IS:

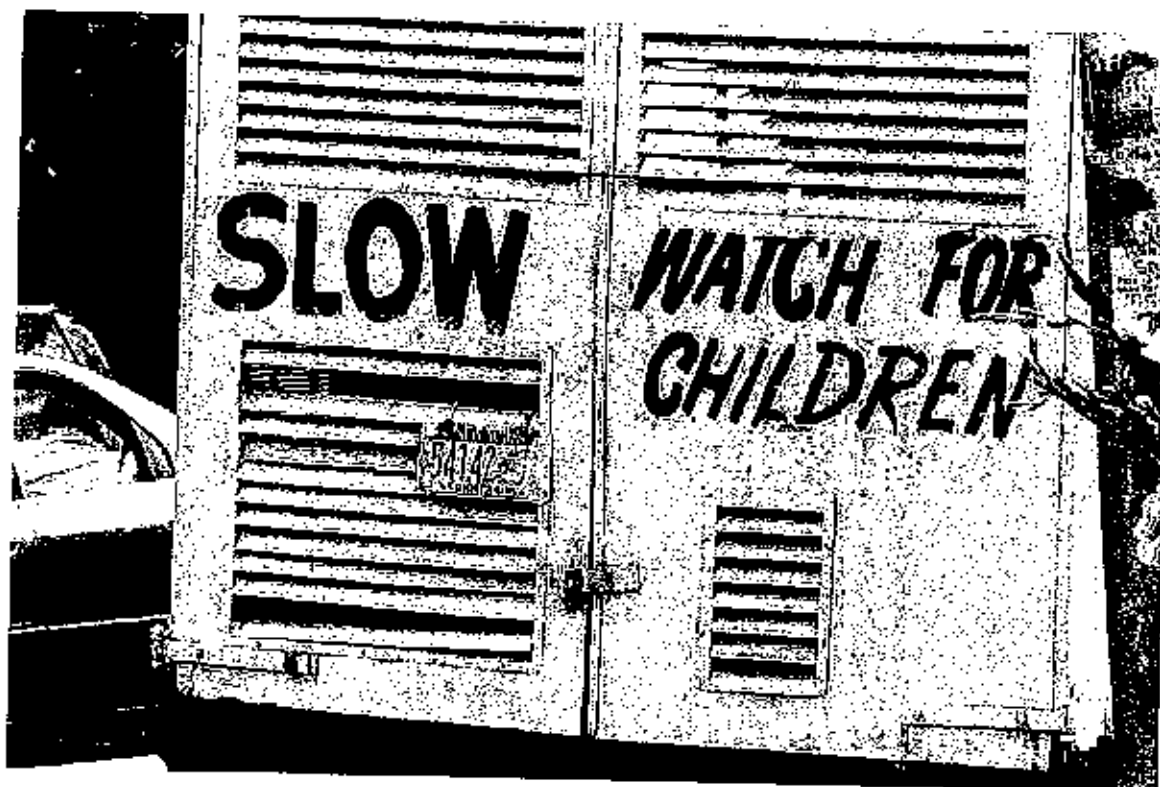
REGISTRANT INFORMATION:
ADDRESS: 47-17 104 ST 2FL
CORONA NY
MI#: A18209 54953 335357-72

Page 58 of 66 PageID #: 63



LATE: 54142JJ TYPE: COMMERCIAL
IN#: P3508142200
1 FORD WH/BL VAN WEIGHT:006850
JEL: GAS CYL: 06
KPIRES: 03/06/07 VALID: 03/24/05
NS:

REGISTRANT INFORMATION:
DOB: 03/11/1962
SEX: F
COUNTY: QUEE
ZIP: 11368
MI#: A18209 54953 335357-72



FE: 12249JU TYPE: COMMERCIAL
N#: 1FC 12249JU
FORD WHITE VAN WEIGHT: 007000
EL: GAS CYL: 08
PIRES: 03/27/07 VALID: 03/28/05
S:

REGISTRANT INFORMATION:
ADAMES-DEVARCHIS, R DOB: 07/29/89
SEX: M
384 KEAP ST APT 22 COUNTY: KING
BROOKLYN NY ZIP: 11211
MI#: A04023 87828 334990-69



FE: 12249JU TYPE: COMMERCIAL
V#: 1FC-12249JU
FORD WHITE VAN WEIGHT: 007000
SL: GAS CYL: 08
PIRES: 03/27/07 VALID: 03/28/05
3:

REGISTRANT INFORMATION:
ADAMOS DE VARGAS, R DOB: 07/29/69
SEX: M
384 KEAP ST APT 22 COUNTY: KING
BROOKLYN NY ZIP: 11211
MI#: A01023 87828 334990-69



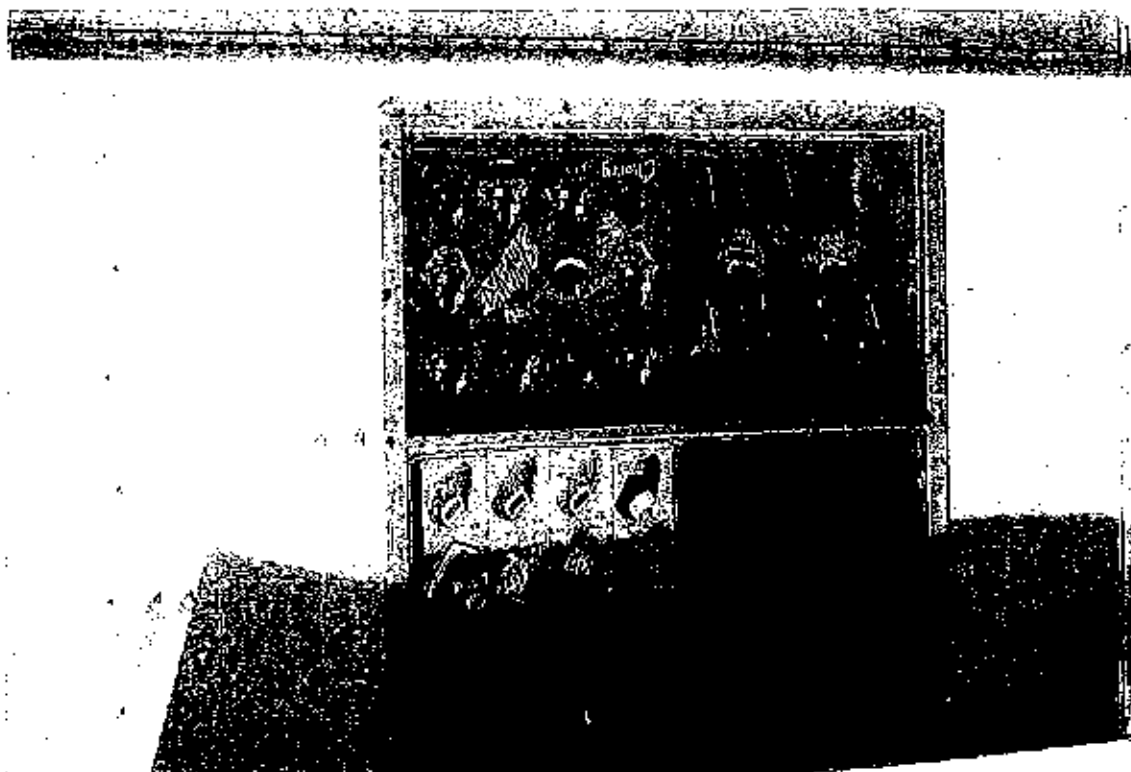
N#: 1GCP32J2J3331377 ZHIRZHAN, NAPO DOB: 05/06/78
 CHEVR WHITE VAN WEIGHT: 006000 SEX: M
 EL: GAS CYL: 08 706 PT WASHINGTON RD COUNTY: NASS
 PIRES: 04/11/07 VALID: 04/12/05 PT WASHINGTON NY ZIP: 11050
 S: MI#: 208336 16615 403272-78

----- REGISTRATION ACTIVITIES -----
 G SUSPENDED ON: 07/31/05 FOR 000 DAYS - REASON: INS. NOT IN EFFECT
 COMPLIANCE DATE:



ATE: 84910JN TYPE: COMMERCIAL
N#: 1GCTP33T2H0526157
CHEVR WHITE VAN WEIGHT:007200
CL: DIESEL CYL: 08
PIRES: 05/31/07 VALID: 05/04/05
S:

REGISTRANT INFORMATION:
DOCUMENT ID: 1
FILED 08/26/05 Page 63 of 66 PageID #: 68
140 APPLEHILL RD COUNTY: ULST
HURLEY NY ZIP: 12443
MI#: A64788 00086 631244-32



LATE: 84910JN TYPE: COMMERCIAL
IN#: 1G0JP32JXH3325157
7 CHEVR WHITE VAN WEIGHT:007200
DEL: DIESEL CYL: 08
EXPIRES: 05/31/07 VALID: 05/04/05
NS:

REGISTRANT INFORMATION:
ADVANCED AT: INC
140 APPLEHILL RD
HURLEY NY
MI#: A64788 00086 631244-32

Page 64 of 66 PageID #: 69

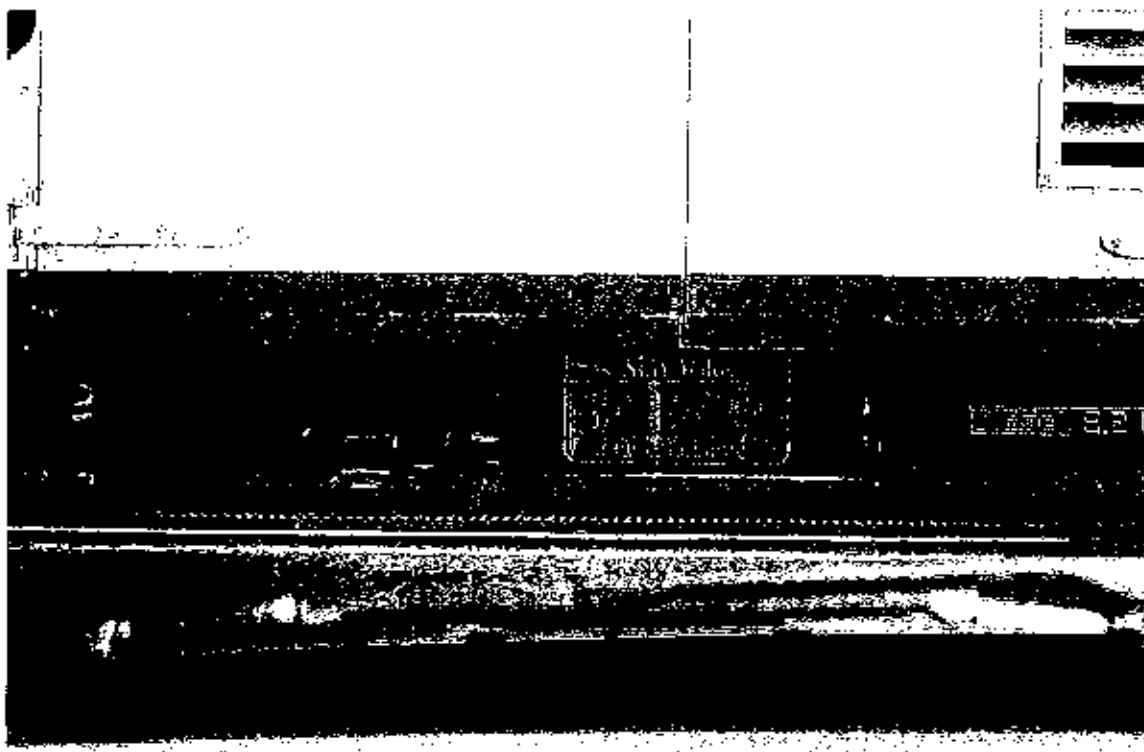


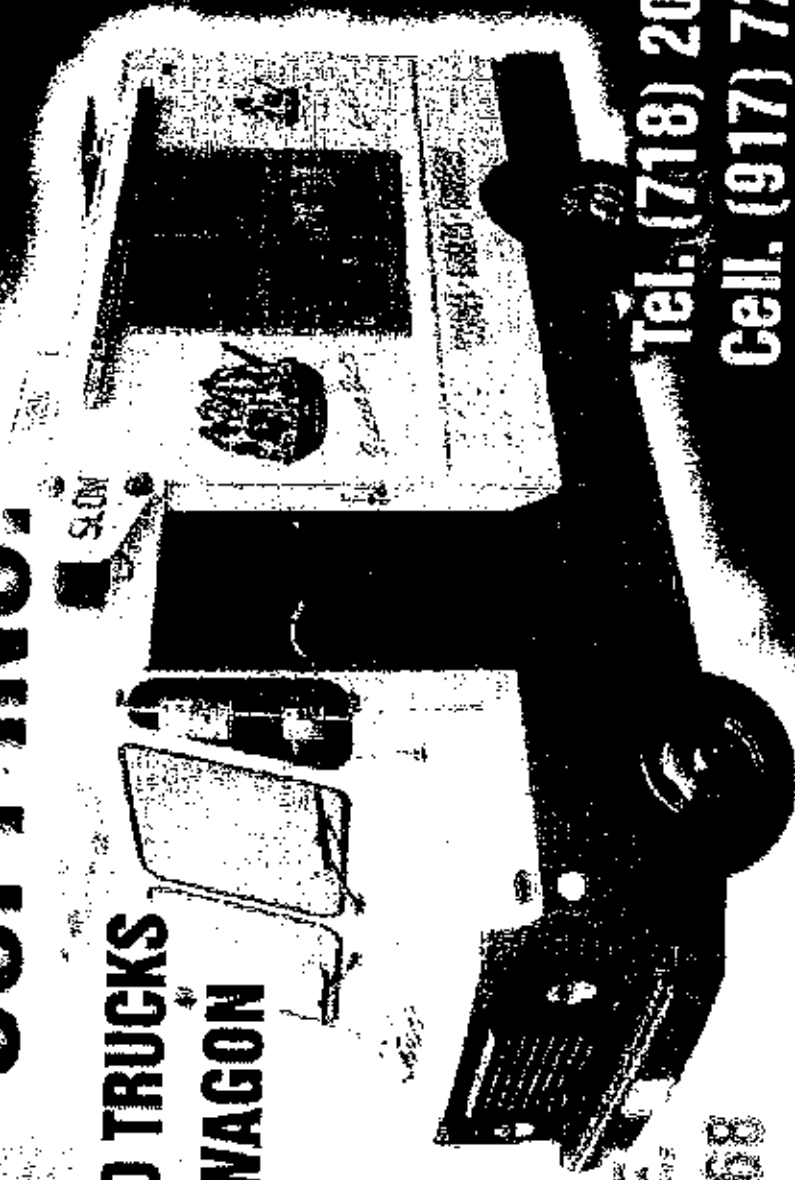
EXHIBIT C

MR. ICE CREAM SOFT INC.

Marcos Neira
MANAGER

ICE CREAM - FOOD TRUCKS
AND HOT DOG WAGON

BUILT



126-30 37th AVE.
CORONA, NY 11368

Tel. (718) 205-0608
Cell. (917) 723-0984